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Politica Sacra & Civilis:

Or, A Model of

Civil and Ecclesiastical

GOVERNMENT.

WHEREIN,

Besides the positive Doctrine concerning
STATE and *CHURCH* in general,

Are debated the principal Controversies
of the *TIMES* concerning the

CONSTITUTION

OF THE

State and Church

OF

ENGLAND,

Tending to Righteousness, Truth,
and Peace.

By *GEORGE LAWSON*, Rector of
More in the County of *Salop.*

The Second Edition.

L O N D O N,

Printed for *J. S.* and are to be Sold by *T. Goodwin* at
the *Maidenhead* over against *St. Dunstons Church* in
Fleet-street. 1680.

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THE
EPISTLE
TO THE
READER.

Reader,

IN the time of our divisions, and the execution of God's Judgments upon the three Nations, I set my self to inquire into the causes of our sad and woful condition, and to think of some Remedies to prevent our Ruine. Whilst I was busie in this search; I easily understood, that the Subject of our Differences was, not only the State but the Church. This gave occasion to peruse such Authors as write of Government, and to study the Political part of the Holy Scriptures, wherein I found many things concerning the Constitution, the Administration, the Corruption, the Conversion and Subversion of Civil States and Kingdoms, with much of Church-Discipline.

There
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The Epistle to the Reader.

There I observed certain Rules of Government in general, and some special, and proper to Civil, or else to Ecclesiastical Polities. All these, according to my poor Ability I reduced to Method, and applied them to our own Church and State severally. I further took notice of our principal differences both Civil and Ecclesiastical, and did freely deliver mine own Judgment concerning the particular parties, and their Opinions, yet so that I endavoured to be of no Party, as a Party. And tho' in some things I differ from them; yet it was not out of singularity, or an humour of opposition, but out of an unfeigned desire of Truth; which in many things I found so evident, that whosoever should not acknowledge it, must needs be wilful, and blinded with partiality or prejudice. Whilst I go on in this work, I easily perceived, that as our sins and impenitency brought God's Judgments upon us, so our ignorance and errours in matters of Government, with prejudice, partiality, pride, obstinacy and want of charity were the causes of our divisions, which gave great advantage to our Enemies and Foreign Politicians: who, as formerly, so now especially at this time, fear our union and agreement more than ever,

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ever, because we are become a Warlike Nation, and furnished with Gallant Men both by Sea and Land, therefore their great Work is to continue our Differences amongst our selves, as subservient to their Interest. These causes once discovered, the Remedies were obvious, if men were in any capacity to make use of them. For, sincere repentance, and a real reformation private and publick, with the punishment of crying sins, are very effectual to avert God's Judgments: And to renounce our Errours, to be informed in the Truth; to lay aside all pride, partiality, prejudice, obstinacy, self-interest; to put on humility and charity, which is the bond of perfection, and to let the peace of God rule in our hearts, are the only way to quench the fire of Contention, and firmly to cement us together. Yet, though good men may propose clear truths, dispel the mists of Errour, perswade to repentance, and pray, yet there seems to be little hope of peace and settlement. For, after so many fearful Judgments executed upon us, and severe admonitions given us from Heaven, pride, covetousness, injustice, oppression, malice, cruelty, and abominable hypocrisie continue, and nothing is reformed. This is the reason, why

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God's hand is stretched out still: many persons have suffered, many great Families have been ruined, many feel God's heavy hand to this day: but who shall suffer most and last no man knows. Men of the same English Blood, and of the same Protestant Profession continue obstinate in their Errors, rigid and high in their Opinions, resolved in their different Designs, admire their own Models of Government in Church and State, will not abate of their Confidence, and refuse to recede from their supposed Principles. Some are for a boundless Liberty, and will not be confined by the rules and dictates of Reason or the common Faith revealed from Heaven; these have no Principles, but seem to have abandoned not only Christianity, but their own reason. Some are for Peace, yet only upon their own terms, though not so reasonable as they should be. Some complain they are wrong'd, and must be satisfied: Others are very high and must be revenged. Every party must reign, or else they will be Enemies. Many men of great Estates and excellent Parts, who as yet have suffered little or nothing, look on as Strangers, and will do nothing, whilst Church and State lye a Bleeding, ready to breathe out their last. And
what

The Epistle to the Reader.

what can be the issue, but that either we shall be brought very low, made a poor and base people, and willing of peace upon very hard terms, and yet hardly obtain it; or we shall be made a scorn and derision to the Nations round about us, a prey unto our Enemies, and they, who hate us, shall rule over us. To prevent so sad a condition, my humble request to all true hearted English Protestants, is, seriously to consider, 1. What our Condition was before the Scots first entered England with an Army. 2. What those things were, which then the best and wisest desired to be reformed both in Church and State. 3. What Reformation we are capable of at this present time. 4. Where the guilt of so much blood as hath been shed, especially in Ireland, doth principally lye. 5. What our duty is as we are English, as we are Christians, as we are Protestants, which amongst other things is to deliver the Gospel to our Posterity, as we received it from our Fathers. 6. What may be the most effectual means according to the rules of Reason and Divine Revelation, to promote the publick good without respect of Persons or Parties, that so

The Epistle to the Reader.

*no wicked men, but onely such as fear
God, may have cause to rejoyce. This
is all I thought good by this Epistle
to signifie unto thee at the present,
for the rest referring thee to the Book,
and remaining*

Thine, to serve in the Lord,

George Lawson.

*In opus politicum viri claris-
simi Georgi Lawfonii,
popularis mei.*

Quistandem augustas regnandi digerit artes,
Et solidam sceptris commodat Author opem?

Instituit magnas subtilis pagina Gentes,

Dat populis pacem, principibusq; fidem.

Publica privatâ sudantur munia dextrâ,

Quod multi curant, unius ecce labor.

Tam benè regna locat, potuit regnâsse videri,

Heu! major cathedrâ quàm fuit ille suâ!

Stant secura brevi subnixâ Palatia chartâ,

Nec facilè amoto cardine, regna labant:

Vendicat hac populis leges, vim legibus: armat

Te Themî; quæ debes plectere, sola potes.

Nil metuas, neq; jam metuaris, Regule; demptum

Posse nocere aliis, velle nocere tibi. (est

Hæc succurrisset nascenti pagina Romæ,

Ne vacet Egeriam consuluisse Numæ.

Nôsset Sparta isthæc, duro formata Lycurgo,

Secula mansisset, quot stetit illa dies:

Nec tibi Parthenope, gemino quater amplius * vid.

Mutâssent dominos plebs malefida suos. (anno* Comin. de

Nec sibi fœdâssent fastos tam turpiter Anglus, bell. Neap.

Mille per incertas mobilis usq; vices. lib. 5.

Quam

*Quam bene Lawsoni ! magni dignissimus haeres
Nominis, ille salo jura dat ; ipse solo.
Qui regnare doces & qui parere, libenter
Imperium calami cedimus ecce tibi.
Te tantum genuit vicus brevis, angulus orbis
Langcliff, nascenti conscia terra mihi.
Eborac' inuideant, vel Athenæ ; debeo plura
Jam pro te patriæ, pro patriâq; tibi.*

J. Carr, M. D.

THE



The Arguments of the several Chapters.

C H A P. I.

THE Propriety of God acquired by Creation, and continued by Preservation, the ground of God's Supream Dominion and Power, which is Universal over all Creatures, more particular and special over Men and Angels, who are capable of Laws, Rewards, Punishments, not only Temporal but Eternal: The exercise of this Power over men immediate, or mediate. Mediate in his Government by men, over men, is either Temporal and Civil, or Spiritual and Ecclesiastical. Of the Government Spiritual before Christ's incarnation, and after

The Arguments of

after his Session at the right hand of God. Of the Church Christian, Triumphant, Militant, Mystical, Visible, Universal, Particular. The particular parts of the Universal Church, as visible, the principal subject of the following Discourse. Of our Differences and the Causes thereof: of hope of better times, and the Author's disposition and intention.

C H A P. II.

Of a Community Civil.

What Politicæ is, what a Commonwealth, the subject of Politicæ: What the parts of a Commonwealth: what a Community in general, which is the subject of a Commonwealth; the name and nature of it. Of a Community Civil, the matter and the form thereof, the Original of Civil Communities; the members both natural and naturalized, whether they be imperfectly, or formally, or eminently such. The capacity of this Association to receive the form of a Civil Government. Liberty, Equality, Propriety, Adjuncts to this Community.

the several Chapters.

C H A P. III.

Of an Ecclesiastical Community.

The Definition of it; the explication of the Definition. The distinction of the Members, less or more perfectly such: the manner of Incorporation; Liberty, Equality, and aptitude to receive a form of Discipline. Proprieties of this Society. Where, something concerning Children born of Christian Parents, whether they be members of the Church, or no.

C H A P. IV.

Of Power Civil.

The parts of Politica, Constitution and Administration: what Constitution is, and what the parts of a Commonwealth both Civil and Ecclesiastical, which are two: 1. Sovereign. 2. Subjects. What Power in general, what Power Civil, what Supream Power or Majesty

The Arguments of

Majesty Civil ; the Branches thereof, which are called Jura Majestatis ; the multitude of them reduced to order by several Writers, and by the Author. The Properties of Majesty, which is real or personal. What Sovereign real and personal may do. The subject of Real Majesty in England ; the personal Majesty of the Parliament, and of the King.

C H A P. V.

**Of the Acquisition of Civil Power,
and the Amission thereof.**

Civil Power, not essential, but accidental to any Person. It's acquired in an extraordinary, or ordinary way. In an ordinary way by consent or Conquest ; justly or unjustly, as by Usurpation. Usurpation no good Title. The Person Usurping Power at the first, by subsequent consent may acquire a good Title. Succession, and the several ways of Succession. Amission of Power by violence, or voluntary consent, or death. Whether any can be made Sovereign by condition ? Whether Sovereign Power once acquired

the several Chapters.

acquired may be forfeited: how, and to whom the forfeiture may be made.

CHAP. VI.

Of Power Ecclesiastical.

The Power is Spiritual, not Civil. Why it's called the Power of the Keys, as different from that of the Sword. Binding and loosing, the same with shutting and opening: and both belong chiefly to Legislation and Jurisdiction. This Power is Supream and Independent in every particular Church constituted aright according to the Rules of the Gospel. The Branches and several Acts of it: as, making of Canons, the constitution of Officers, Jurisdiction, disposing of the Churches goods. Of the extent, and also the bounds of the Power. Certain distinctions of Spiritual Government, as Internal, External, Universal, Particular, Formal, Material, or Objective.

Chap.

The Arguments of

CHAP. VII.

Of acquiring or losing Ecclesiastical Power.

The just acquisition of this Power extraordinary in the highest measure, as in Christ, or in an inferiour degree, as in the Apostles. How ordinary Churches derive it from Christ by the Gospel-Charter in an ordinary way. The Power of the Church, and Church-Officers unequal. The several ways of Usurping, and also of losing this Power.

CHAP. VIII.

Of the disposition of Power Civil, from the several manners of which arise the several forms of Government.

General Observations premised. The several ways of disposing Majesty, or Supreme Power in a State. Pure Forms. Monarchies, Despotical and Regal. Pure Aristocracies and Democracies. Mixt Governments, when the Power is placed in the several States joyntly. The Constitution of England. Our Kings and their Title. Peers, Commons, Parliaments;

the several Chapters.

ments, and the limits of their Power. The limits of the King's personal Majesty. Our late divisions and confusions. Whether King or Parliament as separate, could be justified by the fundamental constitution of England. By what Rule the Controversie must be tried. Whether Party at the first was more faithful to the English Protestant interest. How the State of the Controversie altered. The high and extraordinary actings of all Parties. The good that God hath brought out of our Disorders and Confusions. Whom God hath hitherto most punished. What is to be done, if we intend a Settlement of State and Church.

C H A P. IX.

Of the Disposition of Power Ecclesiastical, and whether the Bishop of Rome be the first Subject of it under Christ.

The many and great differences about the first subject of the Power of the Keys: The Pope, the Prince, the Prelate, the Presbyter, the People challenge it as due unto them by a Divine
a *Right.*

The Arguments of

Right. Their several pretended Titles examined. Whether that of the Bishop of Rome be good or valid. His greatness, state, and pomp. The opinions of some Authors concerning him. The power he challengeth is Transcendent. The reasons to prove his title taken from Politicks: Ancient Writers, the Scriptures. The insufficiency of them: though some may seem to prove the possession, yet none make good the Title.

C H A P. X.

Whether Civil Sovereigns have any right unto the power of the Keys.

Their power and advantage to assume and exercise this power. Their power not spiritual, but temporal. The power of ordering Matters of Religion, what it is, and how it differs from the power of the Keyes, Jus Religionis ordinandæ, rightly understood, belongs to all higher Powers. The Kings and Queens of England, though acknowledged over all persons, in all causes, both Civil and Ecclesiastical, supream Governours, yet had

had not the power of the Keys. What meant by those words of the Oath of Supremacy. Erastians worthy of no answer, because they mistake the state of the Question, and do not distinguish between the power of the Sword, and the power of the Keys.

C H A P. XI.

Whether Bishops be the primary subject of the power of the Keys.

The different Opinions concerning the Definition and Essence of a Bishop, as also concerning the first Institution of Episcopacy. St. Hierom's opinion in this point. Spalatensis his Arguments to prove the divine Right of Bishops, as invested with the Power of Ordination and Jurisdiction examined and answered. Dr. Andrew's judgment in this point. After the primitive and also the Hierarchical Bishop, which differ much, the English Episcopacy different from both the former; in some things proper to its self is examined. Though some Episcopacy be grounded upon a divine general Precept; yet it's not the prima-

The Arguments of

ry subject of the power of the Keys; neither is Episcopal Government proved to be necessary by any special Evangelical Precept of universal, and perpetual Obligation.

C H A P. XII.

Whether Presbytery be the primary Subject of the power of the Keys.

The abolition of Episcopacy and Surrogation of Presbytery in several reformed Churches. The nature, institution and distinction of Ecclesiastical Presbyters. The places of Scripture, whereon the Divine Right of Law, or Rulog Elders is grounded, examined. The Reasons why Presbyters cannot be the primary Subject of this Power. The Arguments of the Authors of Jus Divinum, Ecclesiastici Regiminis insufficient to prove it. The English Presbytery, as intended and modelled by the Parliament, with the Advice of the Assembly of Divines inquired into; the perfections and imperfections of the same, as modelled by the Parliament without the

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the King. Certain reasons which may be imagined, why the Parliament would not trust the Ministers alone with this power.

C H A P. XIII.

Whether the power of the Keys be primarily in the People.

The Opinion of Morellius and the Brownists, of Blondel, of Parker, and his mistake in Politicks, applyed to the Church to make it a mixt Government. The judgment of the Author concerning the Power of the Keys to be primarily under Christ in the whole Church, exercised by the best and fittest for that work. The explication of his meaning concerning the Power, the Subject of the power, and the manner how this power is disposed in this Subject. The Confirmation of the Proposition; that the power of the Keys is in the whole Church, both by the institution and exercise of this power. Where is premised a confutation of Mr. Parker's Opinion, grounded upon two several places,

The Arguments of

ces, as he understands them. The principal places of Scripture concerning Church-Government in foro exteriori explicated, to find out where this power is by institution, for Legislation, Jurisdiction, and making of Officers.

C H A P. XIV.

Concerning the extent of a particular Church.

The several extensions of the Church in excess, according to the opinions of such as subject all Churches particular to that one Church of Rome : of such as subject all to a general Council. Whether Mr. Hudson is justly charged by Mr. Hooker and Mr. Ellis, and divers others, as guilty of Popery, in asserting the Unity of the universal Church. The Congregational extent : what Congregations are? How they are gathered? Whether the primary subject of an Independent power. The Arguments of Mr. Parker and the Dissenting Brethren from Scripture and Politicks, answered. A National extent examined. What means
to

the several Chapters.

*to be used for to compose our differences,
and to settle peace amongst us.*

C H A P. XV.

Of Subjection Civil.

*What Subjection in general is, the
degrees of it. What a subject in a Civil
State is: the definition explained.
What the duties of Subjects be. What
offences are contrary to this subjection;
what Rebellion and Treason: the several
degrees of Treason. What Usurpation
is; whether any subjection be due to
usurped Powers. When a power is dissolved.
How far the Oaths of Supremacy
and Allegiance bound the English subject.
Whether the Civil War did dissolve
the Government. Whether the late War-
like Resistance made against the King's
party and his Commissions was Rebellion,
or no? Something of the Question. Whe-
ther upon any cause it be lawful for the
Subjects to resist, or take up Arms against
their lawful Sovereign: as it's handled
by Arniseus. Whether after the War said
to be between King and Parliament was*

com-

The Arg. of the several Chapters.
commenced, there was any ordinary Legal power which could induce an Obligation to subjection ? Whether the Act of alteration, or any other Form since proposed, could introduce an Obligation. Whether it be lawful to submit unto an extraordinary power, when no Legal power according to the Fundamental Constitution can be had. The distinction, division, and education of Subjects.

C H A P XVI.

Of Subjection Ecclesiastical.

What Ecclesiastical Subjection is. The distinction of Ecclesiastical Subjects. The qualification of a Church-member. Something of separation from a Church. The alterations, divisions made, and the Errors, Blasphemies professed in the Church of England in these late times. The manner of admission of Church-Members. The ancient and also the modern division of Ecclesiastical Subjects, and their subordination. The Hierarchical Order. The Education of Church-members.

LIB. I.

CHAP. I.

Of Government in General, and the Original thereof.

Propriety is the ground of Power, and Power of Government; and as there are many degrees of Propriety, so there are of Power: Yet as there is but one Universal and absolute Propriety, so there is but one supreme and universal Power, which the most glorious, blessed, and eternal God can only challenge as his due. For he contrived all things by his *wisdom*, decreed them by his *will*, and produced them by his *Power*, and to this Day *worketh all things according to the counsel of his will*, Ephes. 1. 11. In this respect he is worthy to receive *Glory, and Honour, and Power*, because he hath created all things, and for his pleasure they are, and were created, Rev. 4. 11. By Creation he began, by Conservation he continued to be actually the Proprietary of all things: for he made them of nothing, and

B

gave

gave them being and existence, so that they wholly always depend upon him, and are absolutely his. Therefore he hath power to dispose of them as he pleaseth, and to order them to those ends he created them. This ordination of them, which began immediately upon Creation, continueth and shall continue to the end, and is either General of all things, or Special, of some special, more noble and more excellent Creatures: Such are Men and Angels, endued with understanding and Free-will, and capable of Laws, rewards and punishments, both Temporal and Eternal. The ordination of these is more properly and strictly called Government, which is a part of divine Providence: The Government of Angels no doubt is excellent and wonderful, though we know little of it, because not revealed.

Sect. 2.

That of men is more fully manifested to us as men, in that Book of books, we call the holy Scriptures, the principal subject whereof is the Government of man, as ordered to his final and eternal Estate. This Government is two-fold, 1. That of strict Justice, 2. That of sweet mercy in Christ; For it pleased the Eternal Sovereign to bring Man fallen back again, and raise him up to an Estate of eternal Glory; this was his great design, wherein he most gloriously manifested his divine perfections of Wisdom, Justice, Power, and especially of free
Mer-

Mercy ; this man we find in a two-fold capacity ; the first is temporal, confined to this mortal life, the second is spiritual, and in both he is subject to his Maker and Eternal King, who doth not always exercise his Power himself immediately, either in the constitution or administration of these earthly States, but as he useth the ministry of Angels, so he makes men his Deputies and Vicegerents, these are called Higher Powers ordained of God, who are trusted with, and bear the Sword to protect the good, and punish the bad, according to certain Laws and Rules of Wisdom and Justice. This power may reach the Persons and the goods of mortal man, but not the Soul and Conscience, which are exempted and reserved to the Tribunal of God, who cannot only kill the Body, but cast both Body and Soul into Hell, and reward Men with Spiritual and Eternal Rewards, which the Powers of the World cannot do. Of this Government by the temporal Sword something shall be said in the following discourse, but with some reference to that which is Spiritual, that the generals wherein they do agree, the particulars wherein they differ, the subordination of the one unto the other may be the better known. All men should be of this spiritual Society, but are not many excluded through their own fault and just Judgment of God ? This separation was made betimes, for we read of *Cain*

cast out of God's presence, and excommunicate ; of the Sons of God, and the Sons of Men before the Flood ; of Jews and Gentiles, after that the World was peopled by the Sons of *Noah*, and the Family of *Abraham*, *Isaac* and *Jacob* singled out of all other Nations, and this before the Incarnation and the Glorification of the *Messias*. And since then we may observe that there are Christians opposed to Pagans and Idolaters, which do not acknowledge one only God ; to *Mahometans*, who acknowledge the true God, who made Heaven and Earth, but not God Redeemer by Jesus Christ ; to Jews, who confess God the Creator, and Jesus Christ in general, but as yet to come ; to Apostates, who first professed the Truth, but afterwards denying it ; are Excommunicated by a Sentence and Decree of Heaven : Though these be many, and of several and different sorts, yet they are reducible to two Societies or Cities, the one of God, the other of the Devil, as the learned *Austin* did well observe in his excellent Treatise of the City of God ; this Spiritual Society was governed by God, as sole Monarch from the beginning, without any Vicar or Deputy universal, till such time, as Christ having finished the great work of expectation, was set at the right hand of God, and made the Administrator general of the Church Christian, for now that is the name of this Spiritual Society. This Church, and especially as Christian,

stian, may be considered under several Notions, and distinguished into that which now triumphs in Heaven, and is secure of everlasting Bliss, and that which is militant aiming at a final Victory, and expecting a perpetual Peace. 2. This militant Church may be conceived to be either as mystical, consisting only of real Saints, and such as by a lively Faith have Fellowship with Christ, and are living members of his Body; or visible, of such as acknowledge and profess their Faith in God, and in his Son Jesus Christ already exhibited, and set at the Right hand of God;—and because the sincerity of this Profession is known certainly to God alone, therefore in this visible Society we find *Judas* amongst the Apostles; *Simon Magus* amongst Christians; Pharisees and Sadducees, though a generation of Vipers, amongst the Disciples of *John Baptist*, yet these are but Chaff, upon the Floor mingled with the Wheat, and by the Fan in Christ's hand to be separated, and burned with unquenchable fire.

3. This Visible Church militant may be considered either as Universal or Particular. The Universal is the number of all Christians living on Earth, who by their profession of Faith in Christ already come, signify that subjection to Christ, and their relation one to another as Brethren. In this respect the Government of the Church is Monarchical under one Head Jesus Christ,

who never appointed any one Vicar Universal, or supream Independant Judicatory visible on Earth, with plenitude of Power over all Christians of all Nations. The Word, Sacraments, Ministry and the outward means of Conversion belonging to this Church, as considered under this notion; and every particular person therein is first admitted into this Society, and made a Member thereof before he can be a Member of any particular Church; Though one baptized in a particular Church under a form of external Government may be solemnly received both as a member of the universal, and also that particular Body at one and the same time; yet in order of nature he must be conceived as a member of the universal, before a Member of that particular; For we are first Christians, and subject to Christ, before we can be subject to the Power of any particular Church. For we are baptized into one Body Universal, and in the Name of *God the Father, Son, and Holy Ghost*, not into the Church of *Rome, Corinth, Ephesus, Jerusalem*, or into the Name of any of the Governours or Officers of these Churches: particular visible Churches are parts of the universal, and are first so many several Communities denominated usually from some place, and after that by association and consent receive a form of Government visible and external. This kind of spiritual visible policy, and the Govern-

ment thereof is the principal subject of the ensuing discourse, wherein I aim at Peace and Truth, desiring not to kindle, but to quench, or at least abate the flames of dissention, which so long and so violently have raged amongst us.

The Government of these particular Churches at this present time is the subject of so many Disputes amongst us, that some doubt whether there be any such thing or no; some presuppose it, but know not what it is; some make it to be the same with Civil Government, and put all the Power in the Civil Magistrates hands, and only except the Word and Sacraments, which they grant to Ministers; some take those from the Ministers, and make this administration common to others with them; and because there is no certain order established amongst us, therefore many are our divisions, and fanatick Sects are multiplied. Some are subtil and politick agents, and divide the Church that they may disturb the State; these care not much what the Doctrine is, so they can separate those which should be united. Some desire to propagate their own Opinions, though false, unprofitable, blasphemous, and their design is to draw Disciples after them. These prevail the more, because they find the minds of many so ready to receive any impression. For some have *itching ears*, and every new and strange opinion doth affect and much take with them: Few are well grounded in the

Sect. 4.

Means to
prevent Er-
rors.

principles of Christian saving truth, so as to have a distinct, methodical knowledge of them, with an upright humble heart disposed to practise what they know; for a distinct knowledge of Fundamentals, with a sincere desire and intention to practise and live accordingly, are excellent means to avoid Errors, for such God will guide in his truth; some aim at an higher perfection than this life can reach, and boasting of their high attainments insolently censure others, or look upon them with scorn and contempt, as far below them. Some design to make Men Scepticks in all matters of Religion, that then their minds being like Matter ready to receive any form, they may more easily imprint upon them what they please; yet in the issue many of them prove *Atheists* and enemies to all Religion. The grand Politicians and chief Agents, who do least appear, animate the Design, take all advantages, watch all opportunities, single out the fittest persons, and make men even of contrary Judgments, and of a temper quite different from themselves, instrumental and efficient to their own Ruine; yet I hope that God in the end will not only discover, but disappoint them. All these bandy together, and do conspire to destroy the Protestant English interest, and it's a sad thing, that Orthodox Christians take little notice of these things, but fearfully wrangle about matters of less moment, to the great prejudice of the necessities and substantials of Religion.

All

All this is come upon us for our neglect Sect. 5.
and abuse of a long continued Peace, and
the light of the Gospel shining so glorious-
ly amongst us. We are guilty, but God is
just, and also merciful and wonderfully wise.
For he is trying of us to purge away the
Tin and dross; and he expects that we
should search more accurately, pray more
fervently, and more humbly depend upon
him, whose wisdom is such as that he can
and will bring light out of darkness; good
out of evil; and a far more excellent Or-
der out of our confusions. The prayers of
the upright for this end are made and heard
in heaven already, and what we desire in
due time shall be effected: For he will com-
fort *Sion*, he will comfort all her waste pla-
ces, and he will make her Wilderness like
Eden, and her Desert like the Garden of the
Lord. This indeed is a work to which man
contributes little, hinders much, retards
long, that Gods hand and Wisdom may
the more appear, and that he may have the
glory. In the mean time Christ takes care
of the universal Church, and the parts there-
of, converting some, confirming others,
and directing all true believers to eternal
Glory; and though a storm be raised, and
the same very terrible, yet it's nothing, but
we may be confident, when we consider the
skill and miraculous power of our Heaven-
ly Pilot.

My intention is not to instruct the learned, Sect. 6.
who are more fit to be my **Masters**, yet to
these

these endued with far more excellent gifts I would give occasion, and also make a motion to exercise their improved parts and learning in this Subject, and do this poor distracted Church of ours, a part of the universal, some far more glorious service. God may make me, though very unworthy, an instrument of his Wisdom to inform the ignorant, and remove their Errors, and correct their mistakes. It may also through God's Blessing contribute something unto Peace, by uniting well affected minds : I am enemy to no man, yet professedly bent against errors ; and that not only in others, but also in my self, if once I know them. I am not pre-engaged to any Party, but a servant unto truth, and devoted unto Peace. I wish I may not be prejudicate, or partial, or precipitate as many do, who contend to maintain a Party or a Faction, but do not care to search out the truth ; these do not close up, but open the breaches amongst us, and make them wider, and leave others unsatisfied. Our differences be so many, and so great, that we seem to be incapable of any Peace ; yet God can do wonders, and we may trust in him, who in his time will give us Peace, if not on Earth ; yet certainly in Heaven, the place of our Eternal Rest.

C H A P. II.

Of Government in general, and of a Community Civil.

CHurch-Government presupposeth the Rules of Government in general, therefore he that will know the latter, must understand the former: For he that is ignorant of Government, must needs be ignorant of Church-Government; and this is the very case of many in our days, and this is one cause of many differences amongst us at this time; to give some light in this particular, I will say something of Government in General, the Government of God, whereby he more immediately orders man to his final and immortal estate; I have according to my poor ability declared in my *Theopolitica*, or Divine Politicks, therefore I will confine my discourse to the Government of man by man, or rather the Government of God by men set over men. For God communicates some measure of his Power to mortal men; and such as are entrusted with it, become his Vicegerents and bear his name, according to that of the Psalmist, *I have said ye are Gods*, Psal. 82. 6. My design in this Treatise is not to deliver an exact System of Politicks, yet I will make use of those rules

Sect. I.
The reason of differences in Church-Affairs.

rules I find in political writers of better rank, but with a reservation of a liberty to my self to vary from them, as I shall see just cause. To pass by the distinction of Government Monastical and Oeconomical, I will pitch upon that which is Political. The subject whereof is a Community and Society larger than that of a Family, and may be sufficient to receive the form of a Common-wealth.

Sect 2.

To this end we must observe what (*Politica*) which some call the rule of Government of a Politie is. 2. What a Politie or Common-wealth. 3. What the parts of (*Politica*) be.

Politica, or Politicks is the act of well ordering a Common-wealth.

A Common-wealth is the order of Superiority and Subjection in a Community for the Publick Good.

What a
Common-
wealth in
general is.

Of Politicks } constitution
therebetwo } of a Com-
parts, the } administati-
on } wealth.

Foundation
of the
Work.

These Rules are the foundation of the following Discourse, and inform us that (*Politica*) is an act, that is a rule of Divine Wisdom to direct some operations of the Creature: for so I understand it here. 2. That the Object of this rule is a Common-wealth. 3. That the proper act is to direct

rect how to order a Common-wealth aright, so that it may attain its proper end.

4. That the subject matter of a Common-wealth is a Community or common and publick Society of Men. 5. That the Form is an order of Superiority and Subjection established in this Community. 6. That the end of this order is the common good or benefit of the whole and every part. 7. That seeing a Common-wealth must first be made by establishing the order of Superiority and Subjection, and being once made, must act according to the order determined; therefore *Politica* must have two parts, the first must be the Rule of the Constitution, the second the Rule of Administration. For the more orderly proceeding in this particular, I will begin with the Constitution, which will take up the first Book of this Treatise; then I will proceed to the Administration, the Subject of the Second Book.

The Constitution is the settling of an order of Superiority and Subjection in a Community, whereby it becomes a Common-wealth. And we may be allowed to say, that a Community is the matter of a Common-wealth; and a Common-wealth, as some understand it, the form of a Community. These two, 1. a Community, 2. a Common-wealth, are chiefly to be handled in this first Part.

Sect 3.
Constitution.

A Community may be considered in $\left\{ \begin{array}{l} \text{General.} \\ \text{Special.} \end{array} \right.$

In General I will $\left\{ \begin{array}{l} \text{name.} \\ \text{examine the nature.} \end{array} \right.$

*Community
in general.*

The name in Hebrew is **עַם** in Greek **Πόλις** and that may come of **Πολύς**, because the matter of a Community is a multitude, in Latine, *Civitas, Populus*, and here observe, that **Πόλις Πολύς, Populus, Publicus**, seem to have some affinity; yet we must distinguish between *Civitas* and *Urbs*. For the former signifies the People, the latter the Place, Buildings, Habitations of the People. The *Romans* promised the *Carthaginians* not to destroy *Civitatem Carthaginiis*, to make good their word, they brought out the People, which was *Civitas*, and then ruined *Urbem*, the Place, Buildings, Walls, Houses; though *Plebs* and *Populus*, as *Civitas* and *Respublica*, are sometimes taken for the same, yet more properly *Plebs* signifies the meaner and inferiour part of the People, and *Populus* the whole Body, both the highest and the lowest. *Civitas* also differs from *Respublica*, as the Matter from the Form, the Body from the Soul in many Writers of Politicks. The Hebrew word **עַם** is turned by the Septuagint most frequently, **Λαός, Populus**, the People; yet sometimes **Ἔθνος**, a Nation, sometimes **ὄχλος**, a confused mul-

multitude, sometimes *Συναγωγή*, a Congregation, sometimes *Πλῆθος*, a multitude, sometimes *Γένος*, a Generation; all these signifie a multitude of Persons, some ways united and combined together, which agrees always unto a Community. *Forsterus* tells us that **Dy** is a multitude of People or Society, which being joyned together, have the same Name, Language, Laws, Religion, Politie. Though this is true sometimes, yet it is not always so; and to have the same Politie, is not only to be a Community, but a Common-wealth. It's true, that *Israel*, not long after their coming out of *Egypt*, had the same Name, Language, Laws, Religion, Politie, both Civil and Ecclesiastical.

This is the Name, the Nature follows, and we may learn it out of *Aufine*, as he did from the *Roman* Oratour, according to both these, *Respublica est res Populi. Populus est cœtus multitudinis juris consensu & utilitatis communione sociatus*, in another place, *Populus est cœtus multitudinis rationalis, rerum quas diligit, concordî communione sociatus*. *Arnisæus* out of *Aristotle* describes it to be a perfect Society of *Vicinities*, having all things necessary to an happy Life; yet because these definitions are not perfect, I will first enquire further into the nature of a Community, as it is the subject of a Common-wealth. 2. Discover the Original of Communities, 3. Declare who are Members of a Community. *A Community is a Society*
of

Sect. 4.
De C. D.
lib. 19.
Cap. 21.
Cap. 22.

of Persons immediately capable of a Commonwealth; or it is a Society fit to receive a Form of Publick Government: This is the general nature of a Community, which may be considered under a Civil or Ecclesiastical notion.

Sect. 5.

What Community Civil is.

A Community Civil is a Society of Families and Vicinities fitted for, and capable of a Commonwealth Civil. And here I will take occasion more distinctly to explain what is a Community in general. 2. What this Community Civil is. In a Community there are Men; for the matter of it is rational, not irrational Creatures. 2. There must be a multitude of them. 3. This must be a multitude of Families and Vicinities to distinguish it from a Colledge, an University, an Armie, and other occasioned Multitudes. 4. These must Associate and be United together; for they make up this body, not as severally considered, but as joyned together in one; for the *Genus* is a Society. This Society presupposeth Union, and is a Communion, whereby they Communicate in something common to the whole; as in an Organical Body, there are many Members. 2. These are united to make one whole body of many parts. 3. From this Union ariseth a Communion and Participation in some things which agree and belong unto the whole body as a body. This Union doth not arise meerly from some accident or cohabitation, or natural instinct, but from a rational and just consent, *ex juris Consensu*, saith Cicero; for

for till they be thus united, they cannot be immediately capable of, or in *proxima potentia* to a Common-wealth, therefore, this union must be rational, according to that of *Austine*, *Populus est cœtus multitudinis rationalis*. 2. It must be free and voluntary, for it is by consent. 3. Because Thieves, Pirates, Conspirators, Murtherers, Seditious Persons, yea Devils may be united by a rational consent, and yet cannot make a Common-wealth, neither can be any fit subject thereof: it must be just, for so the learned Father understands the words of the great Orator, *ex juris consensu*, though all multitudes of men by the light of Nature, or by the Laws of God revealed, if they enjoy divine Revelations, are bound to associate and unite so far as God shall direct and enable them, yet they cannot associate unjustly. For they are bound to associate and unite so far as God shall direct and enable them, yet they cannot associate unjustly. For they are bound to observe certain Rules of eternal Justice, so that both the things wherein they unite, and the manner of uniting must be just; and the more just the association, the more excellent and perfect the Common-wealth and Ordination may be. From this union ariseth a communion or common union; or as they are one common union; for as they are one common body, so they have some things, Acts, Rights, which are common; wherein all
G joint-

jointly have a share or part : for a Community is one person morally considered, and whatsoever is not private is publick and common. These common things may be few or many : and as the Persons united have one common Reason, Will, and Power, so they all communicate in these things, and do certain common Acts as a Society, which are acts not of a part but of the whole. Yet these things, Acts, Rights, Priviledges, Interests, differ from those which are common either unto other Creatures, or Mankind in General. This Society was ordained of God for the benefit of mankind, and tends much unto their good and happiness, temporal at least. For God saw at the first Creation, that it was not good for man to be alone, therefore he created Woman, who together with Man, was the root and Original of all Humane Societies ; *Gen. 2. 18. Two saith the Preacher are better than one, and woe be to him that is alone, Eccles. 4. 9, 10.* where his principal intention is to shew the excellency and benefit of Society, yet he presupposeth Love, Humanity, and a nearer affection to those of one and the same Society, than to all mankind in general ; and in this Civil Society there must be Families to distinguish it from single Persons, and Vicinities to difference it from Families, and 2. An association both rational and just, so 3. There must be in them thus associated an immediate capacity and fit-

fitness, to receive a Common-wealth or form of Government. For though this association conduceth much unto their safety, help, comfort, and furnisheth them with many things not only necessary, but convenient, which without association they could not so easily enjoy, yet without a form of Government, these advantages could not be so firm and lasting. This fitness, capacity, and immediate disposition to a form of civil Government doth not arise so much from the multitude of the persons, or extent and goodness of the place of their habitation, as from their good affections one towards another, and the number of just, wise and eminent persons amongst them, who are fit, not only to be the matter of a state, but to model it, and order it once constituted; experience hereof sufficient we have at this day in this Nation; for so many and great are our differences both in judgment and affections, and our several interests so contrary, that the same Language, Laws, Religion, common Country cannot firmly unite us together; but we are ready every moment to fly asunder and break in pieces, if we were not kept together rather by the sword of an Army, than by any civil Power and Policy, or good affection; this is a sad condition, and a just judgment upon us for our sins.

This is the first thing whereof I thought Sec. 6.

*Original of
community.*

to inform the Reader, that he might the better understand the nature of a Community, before I said any thing of the original thereof, which is the next in order. The original is either natural or accidental. The natural source is that which hath some principles in the Creation of man, who though fallen retains something of Creation, whereby he continues not only a reasonable creature, but also sociable. For man by nature, as the Philosopher observed is, ζῷον πολιτικόν a sociable creature, because he hath not only reason, but speech, without both which there can be no human Society, as humane amongst us. This natural propension to Society presupposeth mankind actually existing and multiplyed; therefore it pleased God at the first to make man and Woman the foundation of a Family, and Families of Vicinities; this is the reason why the Authors of Politicks, following the Philosopher, speak so much of æconomical relations, as the foundation of a Community. The first Relation is of Man and Wife, the second of Parents and Children, the third of Masters and Servants; God at the beginning did give men not only reason and language, but a power of Generation, with a blessing, so that one man and one woman joined in the sacred bond of Matrimony became husband and wife first, and then Parents of children and of Childrens children, till they multiply to a numerous

merous Posterity. Thus God blessed our first Parents before, and *Noah's* Family after the Flood, that they replenished and peopled the Earth, and became not one, but many Communities. And it was a strange providence and wonder, to divide the multiplied Posterity of *Noah*, by diving the Language, into several companies, and disperse them into several parts of the Earth; and hence the many Societies of the World, and their different Communities God Promised *Abraham* to make him a Father of many Nations; that is, not only of many civil, but spiritual Societies, *Gen.* 17. 5. and he said to *Rebekah*, two Nations are in thy womb, *Gen.* 25. 23. Thus *Jacob's* Family multiplied in *Egypt* to a great Community; so that the original of Societies civil are from God, the cause of all things, 1. As making men, and enduing them with reason and speech. 2. As multiplying and blessing them. 3. As dividing them into several parts and portions of the Earth, where they may cohabit and have communion one with another. 4. Besides all these, he so creates them, and orders them in the very first molding of them, when they are multiplied, that they have need one of another, and one may be beneficial and helpful unto another; so that their subsistence and their well-being depends upon Society, for as he hath made the Body to consist of many members, so that they have their se-

veral offices and ministrations, all useful one for another, so that the body cannot be a body without many members, nor subsist without some necessary parts, nor well continue or be perfect and intire without all and every one, so in like manner hath he composed these great Bodies and Communities; some by his providence are Rich, some are poor, some wise, some ignorant, some strong, some weak, some bold, some timorous, some fit for learning and more noble place, some of inferiour quality; some fit for husbandry, some for trade; and some fit for one trade, some fit for another: Though we, who have our houses, Stocks, Trades, Fairs, Markets, Towns, Cities, Villages, do not understand this so well; yet they, who make new discoveries, and begin new Plantations, are very sensible of the necessity and benefit of Society civil. This was made evident by that policy of the Philistins, who by taking away from *Israel* their Smiths, and depriving them but of one trade, disarmed the great body of that Nation; for we read there was no Smith found in all the Land of *Israel*, so that it came to pass in the day of battel, that there was neither Sword nor Spear found in the hand of any of the people that were with *Saul* and *Jonathan*; and when God intended to ruine not only the State, but the Community of *Judah*; he threatens to take away not only the mighty man, the man of War, the Judge,

Judge, the Prophet, and the Prudent, and the Ancient, the Captain of Fifty, and the honourable man, and the Counsellor, but the cunning Artificer, and the eloquent Oratour, *Esa.* 3. 2, 3. Though God alone can be fully happy by himself alone, without Man or Angel, or any company, yet man cannot. Man solitary is very imperfect, and like a Body which wants some necessary parts: God knows this full well, therefore he so orders Multitudes of Vicinities, that he inclines them by their very constitution to Society; for by it they are not only stronger and more able to defend themselves, and provide for their safety, but also they are better supplied with necessaries, and commodities; what one hath not, another hath; what one cannot do, another can; what few are not able to effect, many may, and all much more. But that whereby God is the immediate cause of Society is voluntary consent, to which he inclines their hearts, when he hath once multiplied them and cast them together. This consent whether tacit or express is grounded upon Love and good Affection, with an intention to do good and just things one for another, according to the work of the eternal Law written in their hearts. The accidental original is when by divine Providence many from several Countries are cast together in one Place or part of the Earth, and that upon several occasi-

ons, or for several causes; these in time grow familiar and acquainted one with another, and for mutual Help, Safety, Benefit, cement into one Body, and according to the dictate of natural Reason, join in one common Interest; this, some say, was the original of the State of *Venice* at the first. Thus the several distinct Communities upon the division of Languages at *Babel* had their beginning. Thus one part of a Community seeking some new place for their habitation, becomes a distinct Community of themselves.

Sect. 7.
Members
of a Com-
munity.

The Third thing to be considered is, who are Members of a Community. To say nothing of Municipal Societies, Colonies, Plantations, Provinces, Titular Members, who are only *Cives honorarii*, this is a general Rule, that after a form of Government once introduced, whosoever are Subjects, are *Cives*, Members of that Community, and continue such, though the form of Government be altered or dissolved: For there are degrees of them; for some are *virtualiter & diminutè*, some *formaliter & plenè*, some *eminenter Cives*, Members of a Community, that is, they are either imperfectly or perfectly such. The lowest rank is of such as are not *sui juris sed sub potestate alienâ*, free and in their own Power. To this form are reduced Women, Children, Servants, Strangers, whether sojourning, or inhabiting out of their own
Common-

Common-wealth ; some kind of Tenants or Vassals do so much depend upon others ; that they are not competent Members ; all these are virtually included in others upon whom they depend. Formally and fully Members are all such, as being Males of full Age, Free, Independant, have the use of Reason, and some competent Estate ; such Freeholders seem to be with us.

These become such by { Birth,
Election,
Manumission.

Or they are { Natural,
Naturalized.

Being once such, they have *Jus suffragii in publicis*, as our Freeholders have a Vote in chusing their Knights for the Parliament, and they virtually give their suffrage in that Assembly by their Representatives. *Eminenter Cives* are such, who by reason of their Descent, Estates, Parts, Noble Acts, are not once Members, but somewhat more, as being fit for Honour, Offices and Places of Power, if once a Common-wealth be constructed.

There be amongst others three inse- Sect. 8.
parable adjuncts of a Community ; as a Community, Propriety of Goods, Liberty of Persons, Equality of the Members ; Propriety there must needs be, and the same Absolute and Independant : the reason hereof is, because, what a Man hath justly acquired, is his own by the Law
of

of Nature, which a Community doth not take away; and further, there is no *dominium eminens*, as in a Commonwealth there must necessarily be. Liberty of Persons there is, because every compleat Member is *sui juris*, and no ways bound by the Rules of a Civil supream Power; and this is more than can be in a State once constituted, wherein this Liberty is bounded by Allegiance and Laws: there is Equality, for there is no Superiour or Inferiour in respect of Government, because there is no Government, no Sovereign, no Subject, all are fellows, *Et socii quatenus socii sunt aequales*; inequality of Superiour and Inferiour Civil ariseth from a form of Government, which is sometimes Despotical, that it is destructive both of Liberty and Propriety. This inequality is consistent with an imparity of Birth, Parts, Estate; for Age: for this is from Nature or Providence; these Civil Societies may be less or greater both in respect of the number of Persons, and extent of Place: Neither can the certain number of Persons, nor the particular bounds of Place be well determined. If it be too large, it cannot so well unite, if too little, it's insufficient to protect or provide for it self, and so falls under the protection of others.

Sect. 9.

This Community Civil considered abstractively and antecedently to a form of Government not yet introduced, or upon

upon a dissolution of a former model, or upon a failure of Succession in a time doth virtually contain a Supreme Power, and hath a Liberty and Right to determine upon what Form they please, so that it be good; though it's true, that this Power may be taken from them by a Potent Invader, or some other way; and here it is to be noted, that when a Form of Government is altered or dissolved, any Community may remain, nay, under a Government it retains the nature of a Community, as the matter and subject of the Common-wealth, wherein every Subject must be considered, first, as *Civis*, a Member of the Community, before he can be conceived as *subditus*, a Member of the Common-wealth. This stricter Association of a Multitude, to make a particular Community, doth no way hinder their Society or Communion with other Communities, or with all Mankind upon the Earth so far as is possible, in things which may add unto their Happiness.

CHAP.

C H A P. III.

Of an Ecclesiastical Community.

Sect. 1.
Ecclesiast.
Community.

Hitherto of a Community in general,
 and of a Community Civil, that which
 we call Ecclesiastical follows : this in op-
 position to that which we call Temporal
 and Civil is Spiritual, and is such in respect
 of Religion ; for as there are matters of
 this life, which concern us as mortals with
 relation one unto another, so there are
 matters of God, spiritual, divine, and of
 a far higher allay ; there is no Nation or
 People, though rude and barbarous, but
 profess some Religion, by the observation
 whereof they acknowledge their depen-
 dence upon a superiour Power and Provi-
 dence far above that of mortal man ; yet
 many, contrary to the very light of Na-
 ture, either worshipped that which was not
 truly God, or with the true God a false
 Deity ; or the true God alone, without any
 certain rule and direction from Heaven,
 after the invention of men, or the sug-
 gestion of the Devil, of these there have
 been many Communities, which I will no
 further mention ; for these were never cal-
 led Churches, or the people of the living
 God ; for the true Church is a Communi-
 ty of such as worship the true and living
 God, according to certain rules of Truth
 revealed

revealed from Heaven, and now contained in the holy Scriptures. And these direct us to worship God, not only as Creator, but as Redeemer by Christ: Such a kind of Society there hath been ever since the Fall of *Adam*, and the first promise of Christ; and all these Societies of all places and all times might be called Christians, because all the members thereof professed Faith in Christ, either as to come, or already come; yet because these Believers and Worshippers of God the Redeemer began to be called Christians after Christ's Exaltation at the right hand of God in the Apostles times; I intend principally to speak of this Community Christian in the times of the New Testament; therefore to pass by the Churches before the Flood, and after till the time of Christ's exaltation, I will confine my self unto the Communities Christian in the latter and stricter sense.

These things premised, a Community Sect. 2.
Ecclesiastical is a Society of Christians in an immediate capacity to receive a form of spiritual external Government. The principal parts of this Chapter shall be,
1. The explication of the Definition. 2. A Declaration of the manner how we become members of this Society. 3. The Determination of the several and distinct degrees of these members. The first thing in the Definition is the matter, and that as Christians: and especially in the stricter sense.

sense. I do not say it's a Society of Families, as formerly was expressed in the Definition of a Civil Community. For though the Churches of *Jerusalem*, *Antioch*, *Rome*, *Corinth*, *Ephesus*, and other places, might in their several divisions and precincts contain some whole Families, and perhaps Vicinities Christian; or because their habitation was in the same City or place, they might be called Vicinities, in which sence all particular Churches should be Vicinities: yet our Saviour tells us, that upon the preaching of the Gospel, there should follow such a division in Religion, even in the same Family: That *there should be five in one house divided, three against two, and two against three*, Luke 12. 52. So that there might be several Religions professed and exercised in one Family, and the persons of several Societies. Thus it is with us since our unhappy divisions: for the Husband sometimes is of one Church, the Wife of a second, the Children of a third or fourth. Yet sometimes a whole Family might come in together: as the Nobleman or Ruler of *Capernaum* believed and his whole house, *John* 4. 53. *Lydia* and her whole Household were baptized at one time. The Jaylor and his whole House believed, and was baptized the same night, *Acts* 16. 33, 34. As in Families, so much more in Vicinities, not only several, but also contrary Religions have been practised. So that the first thing

thing to be considered in the Definition, is persons as Christians. And here I might take occasion to enquire, Whether a Parish may be a Congregation Christian, and a multitude of Parishes in the same Vicinity may be a Community Spiritual, Mr. *Hooker* gives occasion of this enquiry. A Parish may be considered under a Civil or Ecclesiastical Notion: Under a Civil, as first made by a Power Civil, and also a civil Society as a part of an allotment for civil ends, and under civil Officers. In an Ecclesiastical action it's a Society and Body Politick Spiritual; appointed for Worship and Discipline. In which respect it consists as a Vicinity of such persons as within the precincts thereof profess the same Religion, and joyn in the same worship, have one and the same Pastour or Pastours, and usually frequent the same religious Assemblies. In this respect, if either Jews, or Heathens, or *Mahometans*, or *Hereticks*, or *Pagans* died within the same Precinct, they are not of the same Society, yet are bound to pay their Tythes for the maintenance of God's worship in that place. And these Tythes, as determined by the civil Magistrate, to be payed in that place, and to be recovered by civil Laws, may be called a Lay-fee: but as they are due to Christ for to maintain the Gospel and divine Worship, they come under another notion. Further, though the Pastour of such a Parish may, as opportunity

portunity is offered and occasion requires, do Christ service in other places, yet he is in a special manner bound to that place, and not only to edifie the converted, but to convert the unconverted in that place.

Sect. 3.

Because any kind of persons are not fit to be of this Society, therefore these persons must be Christians, and such as profess their Faith in Christ, and in Christ already exhibited and reigning in Heaven. If they be adult, they must not believe, but profess in their own persons. And this profession must be such as a rational Christian may judge to be serious, as being unable clearly to prove the contrary. The inward Faith should be sincere, and the outward profession should agree with it, yet it proves often otherwise. Therefore we find a *Judas* in the Colledge of Apostles, a *Simon Magus*, a *Demas* amongst Christians: for there hath been and will be tares amongst the wheat, and chaff on Christ's floor, which none can separate but he that hath his Fan in his Hand. And let no man doubt, but that such as Christ and his Apostles admitted and retained in the visible Church till they were openly discovered, that man might judge of them, such we must admit and retain; and may do it.

Sect 4.

1. As they must be Christians, they must be a Society of Christians, not single persons by themselves. This implies there must be a multitude.

2. An

2. An union of this multitude. 3. A communion. Yet as the multitude must be Christian, so the union and communion must be even in holy and spiritual things.

1. They they must be a multitude, yet not a little number or a few, as will appear afterwards. The power and right of a Colledge may be preserved in one, and exercised in three; and a small number may make a Family-society, yet here in this particular it is not so. As there must be a multitude: so,

2. They must be united in a sacred bond of Christian Religion. For, as in a natural, so in a spiritual political body, there must be not only many members, but they must be all united in one to make up the body. This union as the civil, is not meerly from Vicinity of place, but from voluntary and free consent directed, not only by reason, but the rules of God's Word; for that must be united not meerly as men; but as Christians. This consent may be tacit or expresse, and must make them one, not only when they make and assemble in one place, but when they are parted asunder. For by reason of this bound, a Fraternity spiritual continues amongst them. And the more solemn, serious, regular, deliberate and agreeable to the Gospel it shall be, the more effectual, comfortable, and lasting it will prove. This union is not made either by Baptism or profession, but it presupposeth both. And though it may be made by a free and voluntary consent, yet all

D Vicini-

Vicinities of Christians, who by Divine Providence have an opportunity to associate, are by a Divine Precept bound to unite and consent to such an Union. And this Union is so firm, not because of Man's Consent, but God's Precept and Institution, to which it shall be conformable. From this a multitude of Christians become morally one Person spiritual: and as such, may act and do many things. And every particular Member of this Body is bound to seek the good of the whole and every part, and the good of this particular Society, more than of any other, though he must endeavour the good of all, so far as God shall enable him. Upon this Union therefore follows a Communion. For as they all partake in all things and priviledges, and rights, which are common to all, so they must communicate their Gifts, Cares, Labours, for the promoting of the general good of all, and particular good of every one. As by this Union they become one Person, so they receive a Power and Ability to act as one Person for the special good of themselves. Yet it doth not give them power to separate either from the Universal Church, or from other Communities in any thing God hath made Common, either to the Universal Church, or other particular Communities.

By

By this time you understand that a Community Christian is a society of Christians, yet this is not all: it must be a Society of Christians fitted for and immediately capable of an external form of Government Spiritual, and the same Independent. For in a Common-wealth of necessity there must be a Supreme and Independent Power, otherwise it hath not the Essence and Being of a Common-wealth. Therefore in Politicks both Civil and Ecclesiastical, we speak of a Community as it is actually the Subject of a form of Government, or fitted immediately to be such, otherwise we shall be heterogeneous, or at least exorbitant.

Take notice therefore that this Community is not a Civil Society, nor the Society of all Christians living at the same time on the Earth, which make up the Body of the Church Universal or Visible, as subject to Christ, nor of a Family, or Congregational, or any petty Christian Society, but of such a Society Christian as is immediately capable of an Independent Discipline.

Though some Acts of Discipline may by a Paternal Spiritual Power be performed, and so likewise in a Congregation some degrees of Power Ecclesiastical may reside and be exercised, yet this is not sufficient to make them such a Society as we speak of.

3. In this Community and Independent Power of Discipline is virtually contained.

4. This cannot be except it consist of such Members as are fit both to model a Common-wealth, and manage a supreme Power of the Keyes.

5. This Community, before a form of Government be introduced, is but like a homogeneal or similar Body, and then becomes Organical, when it's the actual subject of a Common-wealth, and a formal visible Polity. And besides the consent required to the constitution of a Community, there must be another consent to make it a Politie: and the latter is distinct and really different from the former. For a multitude of Christians as such, are not the immediate matter of a Spiritual Visible State, but a Community, and a sufficient Community, as such, is the subject of this Political Form.

6. That Company of Christians which is not sufficiently furnished with Men of Gifts and Parts, and yet presumes to set up an Independent Judicature, must needs offend. For where God gives not sufficient Ability, he gives not Authority. That every petty Congregation, which enjoys Word, Sacraments, Ministry have an entire, Intensive, Independent, Judicative Power in it self, and therefore may refuse to associate with others, is the opinion

nion of some, which can hardly be proved out of the Word of God.

Thus I have explained the Definition, *sect. 6.* and in the next place proceed to shew the Original of this Community, and how particular Persons become Members of the same. Whether any are incorporated by Election or Birth, yet both the Matter and Form of this Society is from God. For we read in the Books of the New Testament, that the first Original of Societies of Christians was this,

1. The Apostles endued with the Holy Ghost from above, preached, That Jesus of *Nazareth* was crucified at *Jerusalem* for our Sins, rose again, was made Lord and King, and that Remission of Sins and Eternal Life was granted to all such as should repent and believe in him. Such as heard the Doctrine, believed it, professed their Faith, and promised to live accordingly, were baptized, and so admitted as visible Subjects of Christ's Kingdom. So they were made Christians, and remote materials of this Community.

2. When they were once multiplied so as to make several Congregations for Worship, and there were found fit Men to be Pastours, Pastours were ordained and set over the Flocks: and these became Societies for Christian Worship.

3. When there was a competent number

ber of such in a Vicinity as were able to manage a Supreme Independent Power, they associated and combined together in one Body for to introduce a form of external Government. If any after, they became a Community or a Politie, were converted within their precincts, and did manifest his conversion so far as man might judge of it, he was Baptized, and was admitted a Member of their Community. This was the manner of entring into and being incorporated into this Body. And now if any Pagans, Jews, Mahometans, by the Doctrine of the Gospel be reduced to the Christian Faith, then they must enter, in this manner they must be admitted. This Association and Incorporation is not from the Laws, Decrees, and meer consent of Men, but from the Power or Commandment and Institution of God, who requires that such as are once made Christians, should Associate, and that others in whose Power it is, should admit them. These are like Branches ingrafted, not Natural, but are made Members by Election. And whosoever is thus incorporated, he is first made a Member of the Universal Church, and a Subject to God the Father, Son, and Holy Ghost, before he can be a Member of any particular Society. For he must of necessity be first a Christian before he can be a Member of

of a Christian Society; for the matter is before the form. If his Profession be sincere, presently upon his conversion he is made a living member of Christ, and an heir of Glory, far greater priviledges, than to be a visible member of any visible spiritual polity. And though there is a certain priority of Order, yet one and the same person may be made a living member of Christ, a member of a Christian Community, and of a visible spiritual polity at one and the same time.

As there be ingrafted, so there be natural branches of these Communities, as well as of the great and Universal Society, for such there have been, and that by divine Ordination; and never any yet could evidently prove out of Scripture, that this Law and Ordinance, which made the Children part of the Parents, and one Person with them in matter of Religion, was abrogated or reversed to this day. Therefore Children born of Christian Parents, who were Members both of the universal and particular Communities, and not disfranchised, are members of a Christian Community by birth at least in Charity; and they must needs be presumptuous Dictatours, who exclude them. It's true, that Infants born of men as men, are men; of such as are free, are free; of such as are noble, are noble. And so such as are born of Mahometans, are Mahometans; and such as are born of Jews, are Jews; such as are born of Heathens are

Sect. 7.
A good
ground of
Childrens
right to
Baptisme.

by their birth Heathens, and aliens to the Common-wealth of the Christian Israel, and strangers from the Covenants of Promise, *Eph. 2. 12.* And shall not such as are born of Christians be Christians? That Covenant which God made with *Abraham*, though accidentally different, is essentially the same with that of the Gospel, as appears, *Rom. 4.* and *Gal. 3.* yet in that Covenant, God promised to be a God to him and his seed after him, and this part of it which includes the Children with their Parents, must needs remain in force, if there be no clause of exception in the new Testament. If there be, Where is it? As for the example and instance from the Apostles baptizing only such as professed their Faith. 1. It doth not follow that only such persons were baptised, because that none but such are expressly named. 2. When its written, that whole Houses were baptized, no wit of man can prove that none of these were Infants. 3. Those expressly mentioned were adult, & *sui juris*, such are not Children: and their Baptism was but Matter of Fact, not of Law.: shall the children be first feminally and virtually in their Parents, then after extraction by Birth part of their Parents, and one person with them both by the Laws of God and Men, even so far as they may be punished for the sins of their Parents; and shall their Parents be bound for them, and they bound in their parents in matter of

Reli-

Religion? And shall not Gods promise extend so far as their Obligation? surely it must. This manner of Incorporation by birth is from God, who, 1. by his Divine providence brings them forth into the light of the World within the bosom of the Church, so that they are born of Christian Parents, who are members of a Community Christian; and 2. From his Institution. For though an Infant should be born of Christian Parents, Members of a Christian Community, yet he could not be a Christian, and have any priviledge spiritual, except it had been God's will and pleasure to account and judge him to be such. For its the Decree, the Promise, the Covenant of God that makes him a Christian. For as born of his immediate Parents, or by them of *Adam*, or of them as godly or ungodly, he cannot be a Member of the Church. And to be so, is not to have actual Faith, or to be justified and sanctified as believers at age, but to have a right unto the promise, which no Heathen or any other born out of the Church can have. And as part of his Parents and included in the Covenant by the will of God, he hath this priviledge. *The Promise (saith Peter) is to you and your Children, and to all afar off, even to as many as the Lord our God shall call, Acts 2. 39.* where observe, that the promise was not only to them at age, but also to their Children. Again, *You are the Children of the*
Prophets,

Prophets, and of the Covenant, which God made with our fathers, saying unto Abraham, In thy seed shall all the Nations of the earth be blessed, Acts 3. 25. Where note: 1. That the Covenant was concerning everlasting bliss by Christ the seed of *Abraham*. 2. That this Covenant includes all Nations, not only *Jews* but *Gentiles*. 3. That this is the Covenant of the Gospel for substance. 4. That the present *Jews* were within this Covenant by birth, and that both for the obligation to duty, and the right unto the promise. For they were the children of the Prophets and of the Covenant, which neither the Heathens, nor their children could be before they were called, and their children in them. From all this it appears, how the Original of these Communities are from God; for He 1. makes them Christians. 2. Multiplies them in the same Vicinity. 3. Inclines their hearts to associate, and stirs up some eminent persons to motion and endeavour the association. 4. By his Divine providence brings some into the world in the bosom of the Church, and includes by his gracious Covenant Infants with their Parents in this spiritual Society.

Sect. 8.

After the Explication of the Definition, the Declaration of the Original of these Societies, it remains we consider the degrees and distinction of the members. For though the Community, in respect of a Form of outward Government, be an homogenous

mogenical body, yet considered in it self, and in the qualities of the several members, there is an imparity, and something organical in it. For they are so qualified, and the gifts of God so variously disposed in them, that they are several ways disposed for to contribute according to their several graces, something to the benefit of the whole and one another. This the Apostle makes clear, 1 Cor. 12. and 14. Chap. These distinctions and degrees are like those in the members of civil Society. For, 1. Some are *virtualiter & diminutive cives*, incompleat members, as women, children, and many weak Christians.

2. Some are so gifted and qualified, as they are fit to act and give suffrage in business which concerns the whole. These are *formaliter cives*, compleat members.

3. Some are endued with more than ordinary knowledge, wisdom, grace above the rest, and most fit to introduce a form of Government, and act in the highest businesses of Administration. These are *eminenter cives*, eminently members. Such as being members of another Church, and yet sojourn or inhabit in a Community distant from their own, before they are incorporate, though upon Certificate and Letters communicatory, they may partake *in sacris*, yet they are but *diminutive cives*, members incompleat and for a time. For, as such, they can have no vote or suffrage of any power in things publick. They
may

may indeed advise and declare their mind, and their counsel may be liked and accepted.

Sect. 9.

This Community Ecclesiastical hath the same inseparable adjuncts with the civil, except propriety of goods, which they have in another respect. For the members have liberty and equality, and an immediate capacity of a form of Government. For, 1. They are free from any subjection either to any other Communities, or one unto another, till a form of Government and Discipline be settled. Yet they are subject to Christ as the Head of the universal Church visible: subject to God as supream Lord; subject to their Pastours, if they have any. For they are commanded to obey them, who rule over them, and to submit unto them, &c. *Heb. 13. 17.* For Ministers are Officers and Representatives of Christ, and therefore must needs have power *in foro interiori & conscientie*, as the Schoolmen speak. Yet Ministers, as Ministers, have no power of the Keys *in foro exteriori*: they are only eminent members of the Community, otherwise the Government external of the several Congregations in one Community should be purely Aristocratical in them; and Monarchical in a single Congregation.

2. They are equal as members of a Community in respect of Power and Government, which is not yet introduced, or at least considered as not actually brought in,

in, they cannot command or judge one another: neither can the whole sentence any single member. For that were to act as a Common-wealth, which as yet is not.

3. The whole is in an immediate capacity to form a Government, as you heard before. This may be done immediately by the eminent and compleat members, or by a delegation of a power of modelling the Government by a few of the principal, and fit for such a work, and afterwards approved and ratified by all. And though the general Rules of Discipline are plainly delivered in the Scriptures; yet few will understand them, or apply them right, and it's an hard thing to abolish the corruptions of former Governments; so that many times a Discipline is settled and perfected only by degrees and in a long time: Not only the constitution, but a reformation of a Church meets with many difficulties. One reason is, there is so little of Christianity in many, and none in some, that yet profess their Faith in Christ, which either they do not understand, or refuse to practise. This hath given occasion to some to gather Churches out of Churches, and to separate. How justly or wisely this hath been done, something may be said hereafter.

What hinders Reformation.

CHAP. IV.

*Of a Common-wealth in general, and
Power Civil.*

Sect. 1.

THE subject of a Common-wealth being a Community, which is twofold, Civil and Ecclesiastical. It remains, and order requireth, that I say something of a Common-wealth. You heard before that the subject adequate of Politicks, was a State or Common-wealth, and that the parts of this Act are two: 1. The Constitution. 2. The Administration. The Constitution, as you may remember, is the first part of Politicks, whereby an order of Superiority and Subjection is settled in a Community, wherein three things were principally to be examined: 1. What a Community in general. 2. What a Community civil. 3. What a Community Ecclesiastical is: and all this is done. Therefore to proceed, observe, that a Community is like a matter without form in respect of something that it must receive, yet a matter and a subject disposed and *in proxima potentia* to receive a form to perfect it: and this form is that we call a Common-wealth, a Polity, a State, wherein we may observe four things. 1. That it is an order. 2. An order of superiority and subjection: this is the general nature

A Community formed is a Commonwealth.

ture of it. 3. An order of superiority and subjection in a Community. 4. Such an order tending to the peace and happiness of a Community. 1. It's *τάξις* an Order, or as some understand the Philosopher (an Ordination) which is a disposing of things in their proper place. For as the learned Father observes, *Ordo est parium disparium-que rerum sui cuiq; loca tribuens dispositio.* It's *inter plura*, which may be equal or unequal. For there may be an order of Priority and Posteriority in time or place amongst equals. Therefore, 2. It's an order of Superiority and Subjection in respect of Power. Yet, 3. Because there is a superiority and subjection in a Family, a Colledge, a Corporation, therefore it's an order of superiority and subjection in a Community, whether civil or Ecclesiastical. 4. Because there may be such an order in a Community of wicked men and Devils, if that might be called a Community, where the Association is unjust, as properly it cannot; therefore it must be such an order as tends and conduceth directly to the peace and happiness of the Community. This an unjust order cannot do. To understand this the better, you must know that all Communities spiritual and temporal are grounded upon that Commandment of God, *Love thy Neighbour as thy self*: where that word Neighbour may signifie indeed a single person, yet it includes a notion of society: and the

De C. D.
Lib. 19.
cap. 13.

Neighbour
a notion of
Society.

the Hebrew word **רעה** signifies *Socius*. This Neighbour therefore is either a single person, yet as a Society, or collective as in a Family, Kindred, Congregation, Corporation, Community. This Love is the true cause of all association, and is the special duty of all parties associated. A Common-wealth is grounded upon a branch of that great Love, the fifth Commandment, which presupposing superiority and subjection, in respect of power, requires certain duties of the parties superior and subject both in a greater and lesser society. And because these duties cannot be performed in great Societies, except this Order be settled, therefore by that Commandment all Communities are bound; so far as they are able, to erect a form of Government. In which respect Politicks are from God, not only allowing and approving them, nor meerly as enabling men, but commanding them enabled to establish and preserve them established, for the better manifestation of his glory and their own greater good temporal and spiritual. From hence it's evident, that Politicks both civil and Ecclesiastical belong unto Theology, and are but a branch of the same.

Sect. 2.

In this Common-wealth two things are most worthy our consideration. 1. The Superiority. 2. Subjection: for it consists of two parts,

Which

Which are $\left\{ \begin{array}{l} \text{Imperans} \\ \text{Subditus} \end{array} \right\}$ the $\left\{ \begin{array}{l} \text{Sovereign} \\ \text{Subject.} \end{array} \right\}$

And because the Sovereign is $\left\{ \begin{array}{l} \text{Civil,} \\ \text{Ecclesiastical} \end{array} \right\}$

I will begin with the Civil, and so proceed to the Ecclesiastical. And seeing that *Imperans* the Sovereign, is a concrete, and

therefore signifies the $\left\{ \begin{array}{l} \text{Power,} \\ \text{Subject of this Power.} \end{array} \right\}$

I will first speak of Power, then of the Subject of this Power.

The Power must be considered what it

is in $\left\{ \begin{array}{l} \text{General,} \\ \text{Special.} \end{array} \right\}$

In respect of the Subject, I will declare

the manner how it is $\left\{ \begin{array}{l} \text{acquired,} \\ \text{disposed.} \end{array} \right\}$

This is the Method which I intend to observe, and wherewith I acquaint the Reader. My observation of it will make the Discourse more clear and distinct. The Readers knowledge of it will help both his understanding and his memory.

Pars imperans, the Sovereign civil, which is the first part of a Common-wealth, is one invested with Majesty civil. Where observe, 1. That it is a part of a Politie, and that's the general nature of it: and is an essential or integral part, which together with the Subject gives essence to the State; and constitutes it in being and existence. 2. Its the first part: for though as superiority and subjection, and so Sovereign and Subjects are Relates, and in that respect simultaneous; yet the Sovereign is not only the first in dignity, but in some sort by origination, if not as a cause. For as paternity in some respect is before filiation, so it is in this particular. For subjection doth rather follow upon Sovereignty, than the contrary. And therefore in molding a State, they first determine upon a Sovereign, whereupon instantly and at the same time follows without any thing intervening, subjection. 3. This party that is Sovereign is invested with Majesty Civil. Where we have two things. 1. Majesty an adjunct. 2. The subjection invested with it. And as Power is the very essence of a Superiour, so Majesty is of a Sovereign.

Sect. 4.

Majestas est maxima in civitate potestas; Majesty is the greatest power in a Community. 1. Its *potestas*, Power. 2. *Maxima in civitate*, *Potestas est Jus Imperandi*, Power is a right to govern. It's *Jus* a Right, and

and in it self is always just, and is from some propriety; and as the absolute propriety, so the absolute power of all things is from God, and there is no power but derived from him. It's not Physical but Moral, and so *nomen juris*, and may be considered as a faculty or habit, which qualifies the Subject to do something which one that hath no power cannot do. The proper act of it is to Govern, and in Governing to Command, so as to bind the party subject to obedience or punishment. This *Imperium* or Command is an act of the Will, and presupposeth some act of the Understanding, and must needs be ineffectual, and in vain without a sufficient coactive force. And because the Understanding may be ignorant or erroneous, the Will unjust, the coactive force act accordingly: therefore the understanding of a Superiour as such, ought to be directed by Wisdom, his commanding Will by Justice, and his Executive force by both. And that act of Power which is not thus directed is not properly an act of Power, nor any such Command of the *Jewish Rulers*, when it was devoid both of Wisdom and Justice, and it was so much the more invalid, because contrary to an express command of a Superiour Lord and Master even Jesus Christ. This Power is an Excellency, and makes the party invested with it like unto *God*: and the greater it is, the greater the excellency of him that

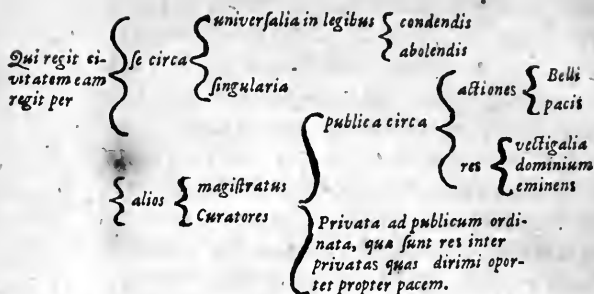
hath it; Though it is in it self good and just, as being from God; or rather the power of God in the creature intellectual, yet it may be exercised either too little or too much. For one that is invested with it may do less or more than his power doth warrant him; nay, he may act contrary to the Rules of divine Wisdom and Justice. And such is the imperfection of man, that there is no perfect Government in the world, but that God doth supply all defects and aberrations. *For the Judge of all the World will do right;* and in the final Judgment will compleat all Justice, and reward every man according to his works, so that nothing in any person, Man or Angel, but shall be judged.

Sect. 5.

This is Power in general, and may be distinguished many ways, as into the Power of God, or Angels, or of men. Here we speak of the power of men, which is the power of a Father, or a Master, or an Officer of peace or war by Sea or Land. Again, it's Civil, Ecclesiastical, and both supream or subordinate. The subject now in hand is *Majesty Civil*, which is the greatest power in a Civil Community; the power of a Sovereign, whereby he is able to bind the whole *Community* and every Member thereof. It's an act of the publick and universal Will, directed by the universal Judgment, made effectual by the universal and general coercive force: and all this is done according to the Rules
of

of Justice and Wisdom. And that the best, wisest and most just, are most fit to govern. To know it the better, we must consider, 1. The principal and several kinds of acts. 2. The qualities of it: the particular acts of this power in one Community are numberless, yet all reducible to one. And that is the wise and just Government and ordering of the Community: yet this is divided and subdivided by the Authors of Politicks. And the several Branches of this Power, are called *Jura Majestatis, Prærogativa, Regalia, &c.* The distinction of these Rights, are made according to the several acts of Majesty conversant about several different Objects, and according to the diversification of the Objects, is the diversity and difference of these Rights. I might here relate both the number and the method of these Rights of Majesty, as delivered by *Angelicus, Bordin, Clapmarinus, Grotius, Ritsoldus, Arniseus*, and others, if it were either needful or useful. The *Civilians*, and sometimes, though seldom, the *Casuits* mention them. Yet hardly two of them agree either in the method, or the number, or the particular names of them.

Yet not to neglect them all, attend how handsonly and briefly *Grotius* reduceth them to a certain Order. Sect. 6.



— Yet this is far short of some others, and indeed no ways accurate. The *Civilians*, some of them reduce them into Order, according to the several acts of this power, which are

acts of { Grace.
Justice.

Bisfoldus doth distinguish of Majesty, and informs us,

that it's { Real
Personal.

Majesty in
the People
really, &c.

Real in the People, personally in the Prince ; He understands by the People the Community : and under God, that is the primary subject of it, wherein it virtually resides, and out of which by the constitution

tion it is educed. It hath power to form a State, where there is none, and if after a form once introduced, the Order be not good, they may alter it: What the Rights of personal Majesty is, he tells us, but what those of real Sovereignty be, he saith nothing: Majesty so naturally belongs unto the Community, that upon a failure of succession, or a dissolution it divolves to them: and that People is not wise, which parts wholly with it, and absolutely alienates it, as the *Romans* are said *Lege Regiâ* to have done, if necessity or some very weighty cause required it not.

We might in this particular expect Sect. 7.
much from *Arniseus*, who hath composed a whole Treatise of this subject, in which he informs, 1. Of the name. 2. Of the nature of Majesty. For 1. The name may be given to such as have nothing of the thing, and so be a meer Title. 2. It may signifie Dignity or Honour without any Power. The nature of it consists in Power, which hath several branches, concerning which he relates the Opinion and Judgment of the *Philosopher of Historians*, of the writers of *Politicks*, of Lawyers, and in the end delivers his own mind, and reduced them to certain Heads: in this manner.

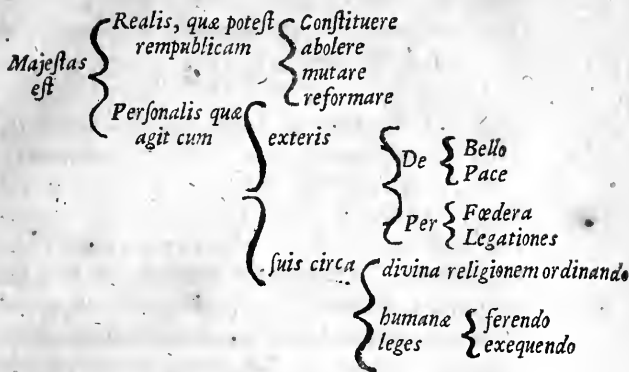
	$\left\{ \begin{array}{l} \text{Majora} \\ \text{Minora} \end{array} \right.$	$\left\{ \begin{array}{l} \text{Defensionis} \\ \text{Gubernationis in} \end{array} \right.$	$\left\{ \begin{array}{l} \text{Legibus con-} \\ \text{dendis} \\ \text{Magistratibus} \\ \text{constituendis.} \end{array} \right.$
<i>Jura maje- statis sunt</i>			

The first division is taken from the inequality of these Prerogatives and Rights. The second he seems to ground upon these words---That our King may judge us, and go out before us, and fight our Battels, 1 *Sam.* 8. 20. Where to *Judge*, seems to signifie to Govern by Law, and Officers: to *go out* before us and fight our Battels, presupposeth in his Judgment the power of the Militia. To these he adds other two, concerning the ordering of Religion, and Coining of Money. Under these general Heads, he reduceth many other particulars: and so proceeds to handle, 1. the greater, 2. The less Prerogatives severally, and that largely. This, with the salving of some doubts, and confuting some Errours, is the Scheme and substance of the whole Treatise, divided into three several Books.

Sect. 8.

Leaving every one to his own method, I will, with submission to better Judgment, make bold to deliver my own.

Majestas



This, though not exact, may serve the turn, and in some measure declare the several branches of this great Power, which in it self is but one, yet hath many acts, and the same different, in respect of several and different Objects and Subjects. I only mention the chief Heads, to which the rest may be reduced, for the better and more distinct understanding of it: I will more particularly explain my self.

1. Therefore { Reall
Majesty is { Personal.

Real is in the Community, and is greater than Personal, which is the power of a Common-wealth already constituted. For, as you have heard before, this form of a Common-wealth is virtually in it before it be constituted, and their consent is the very

Real Ma-
jesty great-
er than
Personal.

very foundation of it. And this consent whether mediate or immediate, tacit or exprefs, is fo neceffary, that though a people be conquered, yet the Victor cannot govern them as men without their consent: Nay more, when God designed immediately, firft *Saul*, then *David*, yet the election and consent of the people did concur with and follow upon the Divine Designation. As this Real Majesty is a Power to model a State, fo its always inherent and can never be separated; infomuch, that when a form of Government is difsolved, or there fhall be a failer of Succeffion, the Power of the Sovereign doth divolve unto them by the law of nature, or rather it was always in the people. As this Community hath the power of conftitution, fo it hath of diffolution, when there fhall be a juft and neceffary caufe. Hence appears the miftake of *Junius*, *Brutus*, *Buchanon*, *Heno*, and others: when they fay, *Ejus eft deftituere, Cujus eft conftituere*, if they meant it of the multitude and body of the Subjects, as Subjects under a form of Government, it can only be true of a Community where they have juft and neceffary caufe. Subjects as Subjects cannot do it, becaufe of their Subjection and Obligation, whereas the Community as a Community is free from any Obligation to any particular Form, either from the Laws of God, Natural or Poftitive, or from their own Consent or Oaths:

The mi-
ftake of
Junius,
Brutus,
Buchanon
Heno.

Oaths: And though the People in this consideration are bound both by the Natural and Positive Laws of God to constitute a Government, if they can, yet they are not bound to this Form or that. Another Act of this Majesty in the Community is, when they see it necessary and just, and they have not only Power but Opportunity to do it, to alter the Form of the Government: this Act as with us, is above the Power of a Parliament, which may have Personal, yet cannot have this Real Majesty. For a Parliament doth necessarily presuppose a Form of Government already agreed upon, whereby they are made the Subject of Personal Sovereignty. Therefore they cannot alter or take away the cause whereby they have their being, nor can they meddle with the fundamental Laws of the Constitution, which if it once cease, they cease to be a Parliament. If the Government be dissolved, and the Community yet remains united, the People may make use of such an Assembly as a Parliament, to alter the former Government, and constitute a new; but this they cannot do as a Parliament, but considered under another Notion, as an immediate Representative of a Community, not of a Commonwealth. And thus considered, the Assembly may constitute a Government, which as a Parliament cannot do, which always presupposing the Constitution, as such,

A Parliament cannot alter a form of Government.

such, can act only in and for the administration. That Community is wise which doth, and happy which can keep their Majesty so due unto them, as to limit their personal Sovereigns, so as not to suffer them to take it from them, and assume it to themselves.

A happy
Community.

Se&t. 9.
Majesty
Personal.

As there is a real, so there is a personal Majesty, so called, because it's fixed in some Persons who are trusted with the exercise of it, and may, and many times do forfeit to God, and in some cases forfeit to the Community or the People; for when it is said it may be forfeited to the People: we must understand, that the *People* is not *Plebs*, the meanest and the lowest rank, and but a part of the Community, but the whole Community it self as a Community, otherwise, we may lay the Foundation of all kinds of Tumults, Confusions, Seditions, and Rebellions. The Person or Persons trusted with the Majesty and Power, are bound to seek the good of the whole People, and for that end they are trusted with it, and no otherwise. Hence the saying, *Suprema lex salus populi esto*. The Acts of this Power, which it hath a right to exercise, are many, and that in respect of those without, or those within the Commonwealth. For *agit cum exteris*, it dealeth and acteth with those without. This is not the first, but rather the last kind of acting. It ariseth from the relation which
it

Acts of
Personal
Majesty.
1. Without.

it hath to other States, with which it may have some society, though it hath no dependance upon it. The Rules of this Acting, as it respects themselves and the States with whom they deal, are the Laws of Nations. Yet the particular Laws of every several State may determine the Rules, according to which it will act with, or against another State. Because one State may wrong, or benefit, or strengthen and help another: hence it comes to pass that sometimes there is a cause of War. For when by Ambassadors or other Agents, the State wronged demands satisfaction or Justice, and cannot be heard, then there remains no way but to hazard a War, and defer the cause to God to decide it by the Issue, which he shall give. Sometimes a State may be unjustly invaded, in which case there is no remedy but a defensive War. 1. To judge and determine of this War, whether offensive or defensive, to have the chief Command, to grant Commissions, to Press Men, provide for Arms and Money; to denounce and proclaim the War by Heralds, belongs unto the Sovereign, who is trusted with this *Militia*, not only against foreign States, but against Seditious and Rebellious Subjects: 2. After a War begun and continued, a Peace may be concluded, and this is another Act of Majesty Personal. 3. Because one State may strengthen, help, and benefit another, hence Leagues of Peace
and

and Amity; and also for mutual offence or defence, or for Protection, or for Commerce. Yet none of these are valid by the very Law of Nations, but as made, concluded, continued by the supream Powers Personal. 4. The Sovereigns of several States cannot in their own Persons, except very rarely, meet together and act personally face to face one with another, neither is it convenient or expedient so to do. Therefore a way and means dictated by the light of Nature hath been invented to act by others, who are their Deputies and Representatives, and these are called Ambassadors. To send these, whether ordinary or extraordinary, and to give them Power and Commissions, with Instructions and Letters Credential, that their Acts may be valid, is the right of Majesty Personal. To this Head may be referred the sending of Heralds and Agents or Envoyes.

Sect. 10.
Within.

This personal Majesty and Sovereignty acts within the Common-wealth, and with the Subjects as Subjects. With these it acts, 1. In matters of Religion. For *Magistratus est custos utriusque tabulae*, where by Magistrate, we must not understand Officers, but supream Governours, as the word is taken largely by many Authors, especially such as profess Theology. For it is the Duty, as it is the Right of Civil Sovereigns to order matters of Religion, and that in the first place, so far as it tends

Sovereigns
must order
Matters of
Religion.

tends unto or concerns the peace and happiness of a State, which depends much upon the establishment, profession and practice thereof. As they must order it, so they must not only constantly and sincerely profess, practise it themselves, but as Sovereigns protect and defend their Subjects in the profession and exercise of the same, so far as their coactive-force and Sword may justly do it. This should be their first and principal Work, which they should do, not onely for the good of the people, but their own happiness, success and establishment in the Throne. They are not to associate as Priests or *Presbyters*, nor arrogate the power of making Canons, Ordination, Excommunication, Absolution, and such like Acts, which are purely spiritual, yet they may make Civil Laws concerning those things, and execute the same, and also ratifie by Civil Acts the Ecclesiastical Canons; and punish such as shall violate the same. Yet this right doth presuppose the Religion, which they establish and maintain to be true and instituted from Heaven. It's true, that the consciences of men are subject only unto God, and to him alone are they answerable for their secret thoughts and opinions, which men can have no certain cognisance of. Yet if they broach errors in Religion, and blasphemies, and seek by communicating them by word, or writing to seduce, pervert, infect others, they disturb

sturb the peace of the State, offend God, and bring Gods Judgements from Heaven upon themselves, who are guilty of such sins, and upon the Sovereign and the subject of that State where they live. And in this case, though the consciences cannot be forced, yet their estates, persons, lives, are liable to the sword, and, in that respect they may and ought to be punished by the sword of Justice. This is so a Right of Civil Sovereigns, that we never read of any State of civilized people without Lawes concerning Religion and the worship of a Deity. I confess, this branch of civil Power is not rightly placed, nor is the method exact, because it comes in under the Heads of Legislation and Jurisdiction, the matter of both which are Religion, mens, persons, estates, and lives.

Sect. 11.

Civil matters.

After matters of Religion, which are more spiritual and divine, follow such as are temporal and humane. Concerning these we have two acts of Majestie. 1. Legislation. 2. Execution of Laws made, hence these two, *Jura Majestatis*. 1. A right to make Laws. 2. A right to execute them. This Power of making Laws is the principal and most necessary, and doth inseparably adhere unto the Sovereign once constituted. It was *Jethro's counsel to Moses*, which with Gods approbation, he followed, to teach the people Laws, that all Subjects and Officers might know their

their work and duty, and the Rule which must direct them in all actions of Officers and subjects as such, this was Gods order. For, after that he became their Sovereign, and the people of *Israel* his subjects, he proceeds to make Lawes Moral, Ceremonial, Judicial, yet the personal Sovereign hath no power to make fundamental Laws concerning the constitution, but only for the administration. This our Parliaments, if rightly constituted and duly acting for the publick good, I honour as much as any man, may take notice of. Yet I may not presume to teach them, much less correct them. This Power is given by the consent of the people in the constitution, who upon their submission become their Sovereigns subjects; and are bound thereupon, either to obey his Lawes once made, or suffer. This is not meerly a Power to teach and direct them, but to bind them. To this Head, are brought the Power of repealing, interpreting, altering Lawes, with Dispensations, Reservations, naturalizing, granting Privileges, conferring Honours, founding Colleges and Corporations, Legitimation, restoring the blood tainted, and all acts of Grace, as giving immunities, exemptions, tolerations, indulgences, acts of oblivion.

After Legislation follows Execution, Sect. 12.
F which

which in this place is not the execution of the Judges Sentence, for that follows as a distinct act of Jurisdiction. This right of Majesty is of far greater latitude, and reacheth all acts that tend to the execution of the Laws, which are in vain, if not put in execution. And because this cannot be done without Officers and Judgment, therefore this comprehends under it

The right of { making Officers.
administration of Justice.

The making of Officers, as without which the Laws cannot be put in execution, is the first of these two. By Officers, I understand all such as are used by the Sovereign, for to put in practice the Law, and perform any publick act. These may be either ordinary or extraordinary, temporary, or standing; for Peace or War, for to deal with foreign States. Such are all Dictatours, Viceroyes, Regents, Treasurers, Counsellours, Judges, Sheriffs, Constables, Captains and Commanders by sea or land, in time of Peace or Warre. To these may be referred Heralds, Ambassadors, publick Agents, with the rest, which shall be mentioned in the second Book of this Treatise. And because he is no Officer, which hath not some publick power, and this he cannot have of and from himself, therefore

therefore all Officers are made such by the Sovereign ; who by granting Commissions, and other wayes derives their power unto them. And as he gives them power, so he may remove them, and revoke their power, or translate them, or call them to account. To chuse, nominate, propose them, may be an act of the people or some of them, yet to constitute them and give them their political being, is an act of Majesty, either mediate or immediate. And because the personal Sovereign and his Officers cannot do their duty and discharge their places without sufficient maintenance, therefore in this respect, there is a right to command the purse. For, as they say, he that bears the sword, must have the purse. And, if there be not a sufficient standing Revenue and Treasury determined in the constitution, the Sovereign must have a power to raise monies to defray the publick necessary charges. Hence, that *Universale & eminens dominium* of Majesty in every State, so much mentioned in the Authors of Politicks. The reason of this is clear in the very light of nature, that the people maintain their Governours, because the benefit of the Government redounds unto them, according to that of the Apostle, *For this cause pay you tribute also, for they are Gods Ministers, attending continually upon this very thing.* Render

therefore to all their dues, tribute to whom tribute is due, custom to whom custom, Rom. 13. 6, 7. It's true, that Sovereigns may have their private purse: therefore some distinguish, *inter ararium & fiscum*. *Ararium* is the publick Treasury, which is maintained by Tribute, Custom and other Impositions: and this is to be raised and disposed of by the supream for the preservation of the publick. *Fiscus*, as some tell, is the Sovereigns private purse, whereof he may dispose at will and pleasure. This publick propriety presupposeth every mans severall propriety, and no wayes prejudice it. This right is reckoned by some amongst the lesser Prerogatives, but there can be no *minora Jura Majestatis* in proper sense. For, because *Majestas* is *Maxima potestas*, therefore all the essential parts and rights are so too.

The last is the Power of Jurisdiction, whereby Justice is administred: and it's over all persons in all causes both Military, Civil, and Ecclesiastical, so far as they fall under the Sovereigns cognisance. Under this Head I comprehend, not only the power of those acts of Judgement, more strictly so called, as Convention, Discussion, Decision of the cause upon evidence of the merit or demerit, but the Execution. To which last, may be referred all penalties

nalties as well capital as not capital, with Dispensations in Judgement, suspension of Execution, pardons. To this of Jurisdiction also belongs all reservations of certain causes: the receiving last appeals, the final determinations, and irrevocable sentences. By vertue of this Power, Commissions for judicial proceedings, Courts, the order of trial from first to last, all calling of Assemblies general and provincial, Civil and Ecclesiastical, are determined. From all this it's evident, that all *Jura Majestatis* may be reduced to the Legislative, Judicial, and Executive Power, if we understand Judicial, and Executive in a larger sense, than they are commonly taken. And here it's to be noted, that Majesty Real is before and above all Majesty personal. And by personal Majesty or personal Sovereign, I do not mean only one single person as a Monarch, but all Aristocratical and Polyarchical Sovereigns, who are many Physically, but considered as one person morally, as joyntly invested with one Power Sovereign.

Thus far concerning the nature of Majesty, after which follow some Epithets given to Majesty by Authors, to signify the properties thereof. These are either included in the essence, or flow from it. For 1. It's absolute and so Arbitrary, Absolute, *soluta legibus*. It cannot be bound

Scct. 14.

Properties
of Majesty.

by any Lawes, nor judged, because the Sovereign is the Lawgiver himself, and the Fountain of Jurisdiction. He may bind himself by Oath to govern, and judge according to the Lawes, not to be governed or judged by the Lawes. Yet no Sovereign personal is free from the Obligation of the natural and positive Lawes of God in force: and how far he is inferiour to the real Sovereign, who is subject to the same Lawes; I will not here discuss. 2. It's universal, not only in respect of all acts of Government, but of all persons within that Territory. For it must be coadequate to the whole body, which it must act and animate, it's neither greater nor less. No persons, things or actions within, can be exempted from this Power, nor can it extend to any thing, person, action without, but *per Accidens*. 3. Its supream, not in respect of God, nor of the power of other States, but in respect of the power of Fathers, Masters, Officers, Corporations, and Societies within every several State. For by vertue of Majesty it is that Sovereigns are equal in respect of themselves, superiours in respect of their Subjects; and inferiours unto God, whose servants and subjects they are, trusted with a particle of his power, and accountable unto him. 4. It's Independent (yet not in respect of God) upon whom all Sovereigns do not only chiefly but wholly

wholly depend, but in respect of all subordinate Powers within, but coadequate to them without. For all power civil within the Territory is derived from Majesty. Fiduciary Princes therefore as such are not Sovereigns, though they may have the title of Sovereignty ; yet a Sovereign may be fiduciary for some part of a Country within, and part of the Dominions of another Sovereign. Neither can the chief Magistrate of a Commonwealth, trusted at certain times with the general exercise of the Power be such. Protection and Vassalage are conceived by some not to destroy Independency, neither doth confederation. For though the League between several States, as in *Switzerland*, and the united Netherlands Provinces may be strict, and Commissioners may be made and trusted with great power in things, which concern the several States jointly (such the states-General of the Low-Countries be) yet this is thought to be no diminution of Majesty. For it remains entire in the several Republicks : 5. Its indivisible, for though it hath several branches, which may be distinguished, yet they cannot be separated. For if you take away but one, much more if you take away more, you make it imperfect and essentially defective, and insufficient to Govern. For as in Philosophy, *Essentia est indivisibilis* : so in Politicks, *Majestas est indivisibilis*

indivisibilis & sic Majestatis Jura sunt inseparabilia. As these Rights are indivisible in respect of themselves, so they are in respect of the Subject. For divide and separate some of them, even but one from the Sovereign, he is an imperfect Sovereign, take away all he ceaseth to be a Sovereign. Again the Subject of Majesty and of all the rights and parts thereof must be only one, either Physically or Morally: If you divide the Subject, you destroy them. For if in this Commonwealth we give part of these to the King, part to the Peers, part to the Commons, we make it a *Babel*, and destructive of it self. For, suppose the King have the Militia to himself; he may command the Purse, make void the Laws, revoke Judgments, reject Parliaments, and none can hinder him, because neither Peers nor Commons have any right to the Sword whereby to defend themselves. Therefore little heed is to be given to that Book, or bitter Invective entitled, *Elenchus motuum nuperorum*, which informs from the Lawyers, if we may believe him, that these Sovereign Rights were thus divided. 6. From this, that it's indivisible follows it, that it's incommunicable. For to whomsoever they are, communicated, they cease to be Subjects, and the Sovereign to be a compleat Sovereign, and this Communication tends

to the dissolution of the Government.
7. It's perpetual, that is, fixed in a certain subject, to continue in the same according to the fundamental Laws of Constitution. Therefore the Temporary or occasional power, though very great of a Dictatour, or Regent, or Protectour, who are but trusted with it for a time in extraordinary cases, and upon occasion, cannot be Majesty when there is an *Inter-regnum*, or suspension of the Government, by reason of Sedition, Faction, Rebellion, Civil War, or some other cause, it's good and expedient for the safety of a State, to set up some extraordinary Governour or Governours, trusted for a time with transcendent Power, till the State disturbed and not capable of any Union be settled, which done, that Power doth cease, and Majesty is fixed in his proper, primary, and constant subject, that the Government may run in the old Channel, except they intend to make an alteration of the Constitution.

There is another kind of personal Majesty inferiour to and different from the former. We find it in some Princes of *Europe*, as in the Emperour of *Germany*, the Kings of *Denmark*, *Sweden*, *Poland*, and *England*. For our Kings

Sect. 15.

Kings had not only the title of Majesty, but some power with the title. For in the intervals of Parliament, he was Sovereign alone, and all and every one, yea the greatest were his subjects. He called and summoned Parliaments, made all Officers by sea and land, sent and received Ambassadors, conferred all Honours, the subjects swore Allegiance to him. His Dignity was eminent, his State great, and so many advantages he had, that if he should have used them all, he might easily have undone his subjects, and so have undone himself. Yet he had not the power of the purse : He was sworn to corroborate the just Laws and Customs, which the people had chosen. In the Parliament he made a third party, yet so, that neither in acts of Lawes or Judgement, could he do any thing without the Peers and Commons, and *as Sir Roger Owen in his Manuscript observes* together with them, he was greater than himself. Yet, as Kings have sometimes curbed Parliaments, so Parliaments have Kings,
and

and disposed of the *Militia*, the Navy, the Ports, the chief Offices ; Nay, they have sometimes judged Kings, accusing them of acting against the fundamental Constitution, and challenging such Power as tended to the dissolution of the same, and have deposed them. But of this particular something may be said hereafter; these kinds of Sovereigns have so much power, whether more or less as the Constitution gives them, yet it will be a difficult thing to keep them within their bounds.

CHAP.

C H A P. V.

Of the manner how Civil Power is acquired.

WHat the Nature of Power in general, and Majesty Civil is, hath been declared. The next thing to be considered, is the Subject, who from it is denominated a Sovereign, and we must enquire first, how this Power is acquired. 2. How disposed in a certain Subject. As for the acquisition it's certain, Man as Man, or as a Member of a Community, cannot have it from himself, but it must be communicated to him from God, who being the Universal Sovereign, is the Fountain and Original of it, and derives some part of it unto Man, and a greater measure unto Mortal Sovereigns than other Men. Yet he doth not this immediately, but mediately for the most part. It's extrinsecal, and comes *aliunde*, not only unto Men but Angels. A Paternal Power, which is more Natural, is acquired by Generation, though sometimes by Adoption. This Generation from divine Benediction is the seminary of all Societies, which as Societies and Communities may be so disposed and compleat, as virtually to contain in them a
Power

Power of a Common-wealth, and by a general consent constitute an actual Sovereign. The Sovereign before he was made such was not invested with Majesty, but it was extrinsecal unto him. And here that distinction between the Power it self, the Designation of the Persons Governing, and the Form of Government is worthy taking notice of. The Designation of the Persons, and the Form of Government is from God, leaving Man at Liberty, but not so the Power, which is more from him than the other two. Though the parties justly possessed of power may be thought to have the propriety of it, yet they have not any: for let it be never so firmly conveyed upon them by designation and submission, yet they are but trusted with it. Princes tell us they hold their Crowns and Kingdoms *per Deum & Gladium*. If they mean that they derive their power from God, so as that they neither receive, nor hold it from the Bishops of *Rome*, or the Emperour, or any other Mortals; it may be true; yet they have their power so from God, that they are invested with it by Hu-
mane

mane Designation. And as for their Sword, it may by a Conquest make way for a Government, but it cannot constitute it. *The fundamental Charter of all Civil Majesty, is the fifth*

Funda-
mental
Charter of
Civil Ma-
jesty.

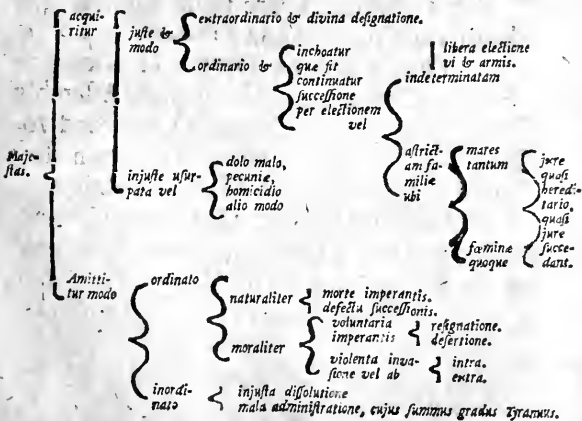
Commandment, taken in a large sence; and understood by other Scriptures, which speak more expressly and distinctly of Civil Government. In this Commandment including much more by Analogy than is expressed, we may observe, that there is a power of Superiority and Excellency, as in Fathers, so in the Princes and Rulers of the World, and that from God, who made them Men, Fathers, Princes.

2. That all Government should be Paternal. Not that the first-born of the most ancient Family in every Tribe, Kinred, Nation, should be a Sovereign; for that we seldom find, but that they should as Fathers love their Subjects, and seek their Good, and tender them as Fathers do their Children.
3. That by virtue of Gods Command, so soon as they are actually Governours, Honour and Subjection are due unto them.
4. That all Vicinities, as far as they are able, ought first to associate, and then

then establish an order of Government, and observe it, that their days may be long in the Land, wherein God hath placed them, and that it may go well with them.

But to return to the acquisition of Power, the designation of Persons, as it is from Man, so it is from God, who ruleth in the Kingdoms of the World, and sets up one, and puts down another, so that this Power may be communicated from him, and so acquired by Man, that it may be taken away, and lost again. The Method of the Discourse following is this,

Sect. 2.
Power how
got.



1. *Acquiritur justo modo extraordinario ut divina designatione & unctione.*

*Justly got
extraordi-
nary.*

Power may first be acquired, and that several ways, as justly or unjustly, in an extraordinary or ordinary manner.

This extraordinary way, and more immediate from God we find in Scripture.

For thus *Moses*, *Joshua*, many of the Judges, *Saul*, *David*, *Jeroboam*, *Jehu*, were designed to their places of Government

Some of those, as *Saul*, *David*, *Jehu*, were anointed by Gods appointment, and the Scepter entailed upon *David's* Family in the Kingdom of *Judah*.

Yet two things are remarkable in the designation of *Saul* and *David*.

1. That after the Divine Unction the People assemble, and in a general Assembly by their Votes, freely chose them, and voluntarily submit, and without Election they could not actually and effectually Reign.

This doth signify that there can be no orderly or lasting Government without consent, tacit or express of the People: For Men must be Governed as rational and free, for such they are as Men.

This was the manner of investing the Kings of *England*.

For

For at the Coronation, amongst other things, this is done: The King being before them, one doth ask the People, Will you have this Man to be King; or Reign over you? This is more fully expressed in the Form of Coronation, which at present I have not by me, and doth signifie, that they should have the voluntary consent of the People. 2. That if we may believe *Fortescue*, the Kings of *England* had not *Regiam potestatem*, *sed politicam a populo effluxam*. 3. That they did not derive that Power from the first Investiture as Hereditary, but in another way. The second thing to be noted is; That those Kings thus designed of God, were bound to govern according to the moral, judicial; ceremonial Laws of God. This implies that no Princes should govern by an arbitrary Power, but according to Laws, and them so wise, so just, as that they may be truly said, to be rather the Laws of God than of Men.

How Kings
must go-
vern.

Acquiritur modo ordinario { *liberam electionem*, Sect. 3.
inchoative in constitui- { *vim armorum ex*
one per ——— { *causa justa*.

God doth seldom use this extraordinary *Ordinarily*
and more immediate designation; for his
usual way is by ordinary providence, and
that first in the beginning and Constitu-
tion of a Government, the Foundation
whereof may be laid in Peace or War.
In Peace, power is acquired by a free electi- *By Election*
G on

Best Go-
vernment.

on of a Sovereign, and singling out some person or persons, to whom they will submit themselves. Sometimes it is determined, that all jointly should be Sovereign, and every single person a subject. This is the best, most just, and the wisest way, and most agreeable to man, as a rational Creature. The parties, whether one or more, before their designation had no civil power at all, but upon the designation, when they are once agreed upon, declared and submitted unto, they must by divine institution of necessity have so much power as is necessary for the Government, and general good of the People. This Power which is now acquired, is *Majestas*, and is more from God than Man; because it is a Power to do such things as God commands, or such as are not contrary to his Will. In the first modelling of a State, they may either compose one of their own invention, or take example from some other Commonwealth, and take the whole or some part and make it their own. Thus the foundation of the *Roman* State was first laid by *Romulus*, who in this work followed the *Greeks* in many things, as *Halicarnassens* tells us, *Antiq. Rom. lib. 2*. In this case, whatsoever kind of State is constituted, there must be some invested with Majesty personal, which by the free Election, and voluntary Submission of the parties who are free, and have power to make this Election and Submission, it is communicated, and so acquired.

red. But if upon a Victory obtained by a just and necessary War, a people is reduced under the power of the party conquering, and they upon certain terms submit, the power is acquired by the Sword, and their voluntary Submission, which they would not have made, if they had not been Conquered. And they who formerly were a free people, and would have chosen another, or continued under their own personal Sovereign, if before the War they were under a form of Government, do submit, because neither they nor their Sovereign can protect them. And if they be brought so low that they must either subject themselves or do worse, or perish, they willingly come under the protection of the Conqueror, if he be willing to protect them, and take them as his Subjects: Majesty acquired in this manner for the most part, is more despotical and absolute. And that Princes are divested of Majesty and People of Liberty, and fall under the power of Strangers, it's from the just Judgment of God, punishing them for their Crimes. And this is a most common title of most Sovereigns in the World. Yet it may be said, that the inward motives of the Conquerors of the Earth are Ambition, or Covetousness, or Cruelty, therefore this kind of Title is not good. The answer is, That, in respect of any one, or more of all these motives it's unjust. Yet, if we consider this Title, as given by God, in making

them Victorious, and rewarding them for the execution of Justice, which they seldom think upon, and also the consent of the people and their submission, When they can do no better, it's certainly just; What strange Instincts from Heaven, what Commands from God, what suggestions from Angels or God's Messengers, or Prophets, Conquerors might have, we know not. *Jehu* was anointed and designed by God to cut off *Ahab's* Family, and had a promise afterward. *Judah* also and many Nations were perswaded, and in some sort commanded by the Prophet *Jeremy*, as sent from God, to submit unto the King of *Babylon*, and come under his protection.

Sect.	Majestas continuatur successione per electionem	{	liberam & indeterminatam	{	mares solum	{	jure quasi hereditario succedant.
			ubi		quoque		

After a Title is once established by the Fundamental Charter, and the first investiture, care is taken how this Title may be continued, that so not only the present, but the future Sovereign and subject of personal Majesty may be determined, and not only the State, but the Sovereign thereof may become perpetual and immortal. This can no ways be done but by Succession, and this depends upon Election at least of the first Constitutors of the State, which determines

mines the successive Sovereigns to acquire their Title by Election, or Birth, or both. If by Election only, that many times is left free to the Electors, to chuse out of what Family or Country they please. Thus the *Roman* and also the *German* Emperors and the Kings of *Poland*, acquire and receive their Power. Sometimes the Election is confined to a Family or Line. In this respect the Title is said to be Hereditary, which is not to be understood, as though the personal Sovereigns were absolute proprietaries of the Crown, or had power of alienation; but because they are like those, who in civil Law are called, *Heredes sui*, Heirs natural, by Law and Birth, who succeed into, and by Birth acquire the right which their Predecessors justly had. This Succession is sometimes tyed to the Males, as in *France*; sometimes is indifferent to Male or Female Children. Thus it is in *England*, where the Kings and Queens are said to have their Heirs: which, if we may believe the great Lawyer Sir *Edward Coke* upon *Magna Charta*, are nothing but the Successors: For Heirs, saith he, are Successors: Yet surely he means Successors not only by Election, but Blood. In this kind of Succession, sometimes the present Sovereigns, if they have Children, may determine and declare; which of them shall succeed them. Thus *David* chose *Solomon*. Sometimes it's otherwise, because by the Constitution it's en-

tailed upon the first-born or next of Blood. This seems to be the ancient right and custom of this Nation. This may be the reason, why King *Henry VIII.* though he took upon him much of an absolute Prince, would not presume of himself to define his Successor, but desires an act to be made in Parliament for to enable him by Will to dispose of the Crown. Yet such an act could not make void the Election used at the Coronation, which hath something of the Constitution in it, though it was made a meer formality.

Sect. 5:

Injuste usurpata { *dolo malo,*
pecunia,
homicidio,
alio modo.

Usurpation.

As Power may be justly so it may be unjustly acquired, and this is usually called Usurpation, which is the taking and keeping possession of that which is not our own, or which we have no Right unto. It's true, that in Civil Law it's defined to be *præpositio juris controversi*. Yet in this manner of Usurpation, that Right is seldom doubtful, but for the most part clear enough. The Power is always good, because from God, and the act thereof, which is Government, is good; yet the manner of acquiring may be bad. And it's observable, that many who have ill acquired, have well used their Power. It's generally held, That usurped Right and Power is no Right or Power, because it's not
in

in his proper subject. Therefore it's conceived, that *Tyrannus in titulo* (such every Usurper is said to be) cannot command and bind the people, nor do any acts of Government which is valid, and may justly be removed before the people acknowledge him, or swear fealty to him. And many think it unlawful to submit unto, or act under an usurped Power. Sometimes it may be so, yet there are cases, when we may, nay we must submit and act too. If Christians under the Heathen Emperors had stood upon such terms as some do in our days, their condition had been far worse than it was. For, though they liked not Usurpation, and the cursed means whereby many acquired their power, yet this was their principle; *Non multum interest sub quorum imperio vivit homo cito moriturus, si qui imperant ad impia vel iniqua nos non cogant*, *Aust. de L.D.* Blood, Bribery, Treason, Rebellion, unjust Invasions, they abhorred as abominable, and detested them as unfit means to ascend an Imperial Throne. Yet it was not in their power to dispossess them once possessed, and to establish better. They knew God had reserved this unto himself. Neither did they think that by submitting unto their power, though unjustly gotten, yet justly exercised, that they were guilty of their sinful and unjust manner of Usurpation. Concerning this unjust Acquisition of personal Majesty, many things may be observed : 1. There are few titles now,

especially such as are successive in a Line, which did not at first begin in Usurpation. 2. That the power it self with the just exercise thereof, is a different thing from the manner of acquiring it. 3. That one that hath the right in reversion may unjustly prepossess it: and with us, as the Lawyer tells us, if the Heir apparent by murder or some other way remove the present just Sovereign; yet so soon as he is possessed of the Crown, he cannot be questioned, and indemnity presently follows upon the possession. *Richard* the Third is called an usurper, and was so at the first; yet his Laws and Judgments, and other Acts of Government were, and are judged valid, after the Parliaments received him. *Henry VII.* cannot be acquitted from usurpation till the Parliament acknowledged him. Neither his Victory nor Marriage with the right Heir could give him a good Title: though this might conduce to his quiet possession: He did never stand upon that Marriage as the foundation of his right unto the Crown; for he knew well enough, that if that had been his best and only Title, that though it might make the Power good unto his Children, yet while she was living he must hold the Crown in her Right, not in his own, and if she died before him, it was lost. 4. Many Princes have invented Oaths for to secure not only the form of Government, but the Crown unto their own Posterity and Family. And here it is to be considered, whe-

whether these Oaths do not necessarily presuppose an higher Obligation of fidelity, not only unto God, but their own native Country, to which they are bound to be faithful under any form of Government or personal Sovereign whatsoever. If their present Allegiance cannot stand with the universal good, it's surely unlawful and unjust. For the good of the whole is to be preferred before the good of a part: and we are bound to love the whole body of the Community more than any Family, or some particular persons. Again, it may prove sometimes impossible to be actually faithful and perform our Oaths, either to the persons to whom they are taken, or their heirs and successors, and then it will be unreasonable. 5. We must distinguish between the humane positive Laws and Constitutions, and the Laws and Rules of divine Providence; for that may be usurpation in respect of the former, which is a just possession in respect of the latter. 6. As for removing an Usurper, or refusing to submit unto him, or act under him, we must consider, 1. How far God hath any hand in dispossessing one and giving possession to another, least we be found to resist God. 2. What means we resolve upon to remove and reject the Usurper, and whether the Remedy will not be worse than the Disease. 3. What may be the bad and miserable consequences of this refusal of submission and acting: yet some will

will say, we will live peaceably and not meddle, neither will we own the present Power nor act against it. But do such think, that any person or persons, who have the Sword in their hands, to which their Lives and Estates are subject, will suffer men within the bowels of the State to be Neuters, and yet give them protection? 7. Such as justly acquire their power at the first may be the greatest Usurpers, because they will challenge more power, than either God will, or man can give: or more than by Constitution is due, or the necessity of the State and publick good require. 8. God may justly give to *Nebuchadnezzar*, *Alexander*, that power, which they did unjustly seek, and this for reasons best known unto himself; as for executing his Judgments upon other Nations for their sins: when he hath once given, the possession continued is lawful. 9. It's an heavy Judgment upon a people, when the title to personal Majesty is doubtful and liable to usurpation, as it often falls out upon a dissolution: civil War's a failure of succession, which is certain and clear, or in other cases. And happy is that People, whose Nobles shall be of themselves, and their Governours shall proceed out of the midst of them, *Jer. 30. 21.* And also when these Governours enter quietly, according to the Laws of God and the just constitution of men.

$$\begin{array}{l}
 \text{Amittitur} \left\{ \begin{array}{l} \text{modo} \\ \text{ordinato} \end{array} \right\} \left\{ \begin{array}{l} \text{naturali} \\ \text{moralis} \end{array} \right\} \left\{ \begin{array}{l} \text{morte imperantis,} \\ \text{defectu successionis, (ne} \\ \text{voluntaria} \left\{ \begin{array}{l} \text{resignatio-} \\ \text{desertione,} \\ \text{violenta invasione.} \end{array} \right. \end{array} \right.
 \end{array}$$

Sect. 6.

As Power may be acquired, and one that had it not may have it ; so it may be lost, and he that was possessed of it may be dispossessed. For, it's no inseparable adjunct to any person or persons. And it's Gods will it should be so, Therefore Crowns and Sceptres with Imperial Power, cannot be so entailed, or any ways made sure by any constitutions of man as not to be cut off from any Families or Persons. They are like unto Estates, which for want of Heirs, or the extinction of Families, or some other ways may pass to strangers. It may be lost in a way which is orderly and not from any unjust cause. And that first naturally upon the death of the Sovereign or a failure of Succession. For all Sovereigns, especially personal, are mortal, and as they live and reign so they die and lay aside their Majesty, and leave it unto others. This is a common and an usual way. And let no man take up a Crown but with a purpose to lay it down, when it shall please God to require it : only the Crown of Heavenly Glory shall abide upon our heads for ever. Death it self shall never be able to shake it off, it sits too close. Therefore it were wisdom for to aim at an Eternal Kingdom ; for that's God's command,

mand, as it is his promise to give it to them that seek it. Ambition is base and far below the excellency of that noble Creature, which was made and redeemed for eternity. Yet there is old catching at these earthly Crowns, which are a bait wherewith the most noble spirits are taken. This was Satan's reserve and last temptation, wherewith he thought to overcome our Saviour. As persons so families may fail, and the supreme Power may return unto a Community, which then hath liberty either to alter the form of Government, or if they retain the former model, to design another Sovereign, and the same eligible either at random with a latitude, or in a certain Family.

This is a natural way of losing this Power, though always directed by a divine special Providence. There is another way,

Sec. 7. and the same moral, and voluntary, as by Resignation, & Desertion.

For in some cases a Sovereign may resign his power to another even in his life-time. Thus *Charles* the fifth, resigned his hereditary Dominions unto *Philip* the first of *Spain*, and others have done the like. Some desert the Charge either to take a better, or a greater, as the Duke of *Anjou* deserted *Poland* to succeed his Brother in the Kingdom of *France*, or out of discontent, or upon some other cause. And usually in a vacancy, either upon the Issue failing, or a desertion there

there follows a competition amongst pretenders. For as they say, no man that hath an Estate can want Heirs: so in this case there will be pretenders, and many times Competitors. Thus it fell out in *Portugal* upon the death of *Sebastian* and *Henry* the Cardinal his Uncle. For *Anthony's* Legitimation could do him little good, his Sword was not long enough; the King of *Spain's* was. Therefore his Title, though not the best, was yet the strongest and most effectual. As this Power may be lost, or rather voluntarily laid aside, so it may be violently invaded by a just War, either of the People defending themselves, and their Rights unjustly denied them or taken from them, which according to the fundamental Constitution, they may and ought to maintain even against a personal Sovereign, though not as their Sovereign, but as one that usurps greater Power than is due unto him, and doing the People wrong. For some tell us, that is no Right which may not be defended. The final issue of such a War may be the overthrow of the Sovereign and his Party, and a Deposing of him, or a rejection, or death, with the Exclusion of his Family. Whether these things be done justly or no, must be known by the Laws of God written or natural, and the Law of the Constitution of that State, where any such thing is done. Some of our Barons Wars seem to be reducible to this case: as likewise the late difference between King
and

*Subjects
may defend
their
Rights.*

and Parliament, and the civil War following thereupon. Yet even in that difference, if the Lords and Commons have, *partem imperii*, and participate the Power jointly with the King, then they seem to have the advantage: because, according to their own profession, the War being undertaken by them in their own just and necessary defence, and ending in a clear Conquest of the King, this not only preserved their own rights, but if we may believe *Grotius*, and the case be as he puts it, or the same with his, the King plainly lost his right. Yet if it was a War between Sovereign and Subject as such, it was a Rebellion on the Subjects part, and so the King could lose no right. But the War was said to be, as some express it, between the King and Parliament: Yet the Parliament declared they fought for King and Parliament. And so the King as King was not the enemy, yet it fell out that the person who was King was Conquered and confined, and in the end put to death. But in these difficult points, it's not easie either to have true and perfect information, or if we had, to meet with an impartial Judge. Sovereignty may be taken away by a foreign Invasion, upon a just War, whether Defensive or Offensive. For, if the unjust party be conquered, the right of Sovereignty is lost, and this is an usual case.

Amittitur modo inordi- *dissolutione,*
nato : ut *mala administratione.*

Sect. 8.

The dissolution of a State, must needs destroy and take away all personal Majesty. And except this dissolution be from a mutual consent of all parties, Sovereign and Subject, for to erect a better frame ; it must needs be inordinate or disorderly. And if the personal Sovereign be the cause and begin this dissolution without just reason, he must needs forfeit. For whosoever holds any power from the Constitution, and yet acts against it, he must needs lose. And if he once lose his power, and through his own default, his Subjects are freed from their Allegiance. This was the reason why the Parliament passed so high a judgment upon the King. “ For, upon his withdrawing from Parliament, refusing to return, “ and setting up his Standard, both the “ Houses proceeded jointly together in adjudging it Treason against the State, or “ Kingdom, in deserting his Parliament, “ betraying his Trust and People, setting up “ his Standard, and levying War against “ the Parliament and Kingdom ; that is, against his own Peace, Crown and Dignity. Thus the Author of the rights of the Kingdom. This he takes to be a peremptory sentence, and that the latter General’s Commission for to take the King was a strong *Capias ut legatum.* These

What destroys Personal Majesty.

These things are out of and beyond my sphere. Yet it's certain, that so far as the Kings proceedings were against the Fundamental Constitution, so far they tended to a dissolution and a forfeit of the power Regal. And when the Militia and the Army did so fearfully clash and dash the people in pieces, there was a plain dissolution of the Government for the present. And upon a Victory followed an Act of Alteration, and not only the present Sovereign was dispossessed, 1. By a Judgment, then by Death, but his Family disinherited, and continues so to this day. Whatsoever Men in this particular have done; yet God hath judged justly. And it deeply concerns that Family seriously to consider what the guilt is, for which God hath so severely punished them. There is another cause whereby, and for which Sovereignty is often lost; and that is *male administratum*. For as Wisdom, Justice, Judgment, are the establishment of the Throne, and that by virtue of Gods institution and promise: so is negligence, imprudence, injustice, oppression, and other such like sins, a cause of dethroning and divesting the Governours and Princes of the World. For these offend God, abuse the Power wherewith they are but trusted, provoke the people: Therefore God either stirs up their own people against them, or makes use of foreign power to invade them, and delivers them into their hands. The highest de-
gree

gree of this ill Administration is called Tyranny, and such wicked Governours are said to be *Tyranni in exercitio*. For though their Title may be good, yet their power is so abused, as that they for the most part are worse and more wicked than Usurpers. These in their administration violate both the written and natural Laws of God, the Law of Nations, the Law of the Constitution of that State where they govern, and the Laws of Justice and Equity; the violation of all which tend directly to the ruine of the Common-wealth. *Arnisæus*, who together with *Bodin*, is so much for absolute Princes, doth confess that such a Tyrant doth *Excidere jure suo etsi hereditario*. And there is great reason for it: because his manner of administration is against the very fundamental Rules, and the very end of all Government. For God never did, Man never can give any power to be unjust.

Before I conclude this Chapter, the Reader must know, that the scheme of Acquisition and Amission of Power is not exact. For there may be more ways both of acquiring and keeping, as also of losing power: and to this Head may be reduced those *arcana imperii & dominationis*, handled more at large by *Clapmarinus* and *Angelius*, whereof some are prudential Rules for the acquisition, and conservation of the form of Government, and also for the continuance of power in the

H hands

hands of the Persons or Families possessed of it. Some of them are but Sophisms of State, used too much by many Statesmen in these days, who separate Religion and Policy to their own ruine. For as the learned *Fitz-herbert* hath made it evident, God will never prosper such courses. Hitherto also might be referred the causes of corruption, conversion and subversion of States. Whereof something shall be said in the Chapter of Disposition.

2. The right may be lost, and the possession continue, or the possession may be lost, and the right may remain for a time.

3. That a bare title is no power. For as the sword in possession without Wisdom and Justice is insufficient, so Wisdom and Justice, with a Title, without the Sword cannot actually govern: because it cannot protect and punish.

4. No man can acquire and receive any power except God give it, nor keep it any longer than God is willing to continue it. For he hath reserved it in his own hands to dispose of it to whom, and how long, and in what measure and manner he pleaseth: yet he seldom doth communicate it immediately, or in an extraordinary way. He gives it for the most part mediately by man to man. Therefore that *Sovereigns hold their Crowns from God, and that they are supream next under God* admits of some limitation and explication, otherwise it may

may prove an error. For I am sure few of them receive their Sovereignty immediately from God as *Saul* and *David* did. The immediate foundation of it is some humane constitution and agreement made, not immediately by God, but Men. This, to such as understand the fundamental Laws of States, is clear enough.

5. The greatest Power of any mortal man is but very little, and he is but trusted with it for a while: and such is his frailty, that he cannot well manage that little which is committed to him. Therefore all defects of humane Government are supplied by the universal and eternal King, who punisheth all offences, not punished by man, and rights all wrongs, not righted and rightly judged by the Rulers of the World. And he makes use of Angels, Men, Armies, all Creatures to execute his righteous Judgments.

6. Majesty hangs very loosely upon such as do possess it, they have no strong hold of it. It's easily separable from man, and man from it, and it's more easily lost than acquired, and acquired many times more easily than kept. Therefore it is that a Scepter is so easily turned to a spade, and a spade unto a Scepter.

7. Here is the proper place to examine, 1. Whether Majesty can be conferred upon any person or persons upon condition. 2. Whether once conferred and received, it can be forfeited? Not

to be conditionally given and received; not to be liable to forfeiture, are not *Jura Majestatis*, as Mr. *Hobbs* improperly calls them; but if they any ways agree to Majesty (as it will be hard to prove they do) they are rather adjuncts than any thing else. For the first, Whether they be given upon condition or no, cannot be well determined, except we distinguish of this Power as given by God, and as given by Man.

2. Between Majesty real and personal.
3. Between personal of the first, and of the second degree.
4. Between the Sovereign, materially and formally considered.

1. God never gave any Power or Majesty Real or Personal but upon condition, 1. That the receiver use it well. 2. That he may take it away at will and pleasure. 2. Real Majesty cannot by Man be given upon condition to a Community as free, and such in proper sense. 3. A Community may give personal Majesty upon condition: and by the Laws of God cannot give it otherwise. And the Condition is, that they use it well and for the good of the people, according to the eternal Laws of divine Wisdom and Justice; for that very end for which God ordained all higher Powers and civil Government. And no good Sovereign will desire it upon any other terms. Hence the Oaths solemnly administered to the Sovereigns of the World; which the people impose upon them, not as Subjects, but

but as members of a Free Community, and this imposing refers to the first Constitution and the fundamental Law of Government. This is clear enough in the first institution of a King in *England*, as the Myrrour tells us. The Conqueror received the Crown upon the same terms. And some good Lawyers inform us, that before the King had taken his Oath to the people, he could not require an Oath of Allegiance from them. Therefore Sir Edward Coke must be warily understood, when he makes the Coronation but a formality. For though the setting of the Crown upon their Heads, which is but a sign of Dignity and Honour, be but a Ceremony, yet the matter of his Oath is essential to the making of him King; and if that, being the substance of the fundamental Contract, be not presupposed, as first consented unto, he cannot be a King. *Bracton*, who advanceth our Kings, as high as any antient Lawyer, saith, *Ipse autem Rex non debet esse sub homine, sed sub Deo & Lege quia lex facit Regem. Attribuat igitur Rex Legi, quod lex attribuit ei, videlicet dominationem & potestatem. Non enim est Rex ubi dominatur voluntas, non lex, l. 1. c. 8.* And here he seems to understand, not only the Law of constitution but administration. That he means the latter is plain, when he saith, *Non debet esse major eo in Regno suo in exhibitione juris.* He formerly as-

Bracton.

Kings
duty,

serted that *Rex non habet param in Regno suo*, which is true in respect of every single person, otherwise we know the King may be judged. With this agrees that of the Myrrour, That it was the great abuson of all, to say, the King was above the Laws, to which he ought to be subject. And we know who makes these Laws. *Arnisæus*, who is so zealous for absolute Monarchs, confesseth with the Philosopher, that *ubi leges dominantur*, the King cannot be absolute. He observeth three kinds of Oaths which Princes take: The 1. Is to maintain Religion; The 2. To do their Duty; The 3. Whereby they subject themselves to the Laws. Such are the Oaths to be taken by the Kings of *Poland*, *Swethland*, *Denmark* and *England*, whose Coronation-Oath includes all the three. Yet this very man having no better Author than *Holinshed*, is bold to affirm, that our Kings were absolute hereditary Monarchs. *Bodin* and *Bisfoldus* seem to be of the same mind. And if they be such, then saith *Arnisæus*, they are Kings before they take their Oaths, and hereditary too. But, who told him so? How will he prove it? We know for certain it's otherwise, and our Antiquaries in Law will say that he is very ignorant, and yet very bold, if not an impudent flatterer. That *Bodin* with him and others, should make the King of *France* absolute, there may be some colour, if we look upon their practice,

Justice, for they act very highly as absolute
 Princes. Yet if *Hottoman*, a better Law-
 yer, and a far greater Antiquary than either
Bodin or *Arnisæus*, be true, the Kings of
France are made Kings and receive their
 Crowns from the first investiture, and that
 upon conditions? Neither is there any Go-
 vernment, which hath a rational and just
 constitution, which may be known by an-
 cient Records or unwritten constant Cu-
 stoms, but will manifest that the Sovereigns
 thereof receive their Crowns, and keep
 them upon certain conditions, different
 from the written and natural Laws of God.
 And it's remarkable, that no Constitution
 can be good or allowable, which is not
 agreeable to those Laws. It's true, that
 if a people design one or more Persons to
 be their Sovereign, and promise absolutely
 to acknowledge them, by that designation
 and promise, they are bound to grant him
 or them all the power whereby he or they
 may be absolute Sovereigns: and if
 they will keep their promise, they must
 not, they cannot put any conditions upon
 him or them, which may tend to the di-
 minution of the Power already given.
 And they may give it so, as that he may
 as absolutely transmit it and derive it to
 his Posterity. Yet if any shall do thus,
 and set up such an absolute Sovereign;
 that very Person or his Successor may
 be considered materially as such, or such
 men, or formally as such Sovereigns. Ma-

Binds not
posterity.

terially considered, especially as such as not yet invested; they may be bound to such conditions as upon the non-performance of them, they may forfeit. But, consider them as actually and absolutely invested, there can be no such Obligation: neither can any Conditions or Oaths be imposed upon them, except they be willing to accept of them. Yet, if any people constitute such a Sovereignty, it's to be examined how justly and wisely they have done, and whether they have not enslaved both themselves and their posterity, and laid the foundation of their own misery and ruine. And if this Constitution be neither just nor wise, I cannot see how it should bind posterity. And I would gladly know, whether those Authors, who are so zealous for absolute hereditary Powers, can give us an instance of any wise and just people, that at the first constitution did give their free and full consent to such a Government. They never did, nor I think ever can instance in this particular.

Sect. 10.

*Majesty
when forfeited.*

The second Question is, Whether Majesty acquired can be forfeited? Where you must note, that to forfeit any thing is to lose the right unto it. For, it's one thing to lose the right, another to lose the possession. For as before, one may lose his right and retain the possession, and lose his possession, and yet retain his right. Therefore the Question is not *de possessionis*

possessionis sed de juris amissione. 2. The Question is not, Whether they may forfeit to God, for that they undoubtedly may; but whether they may forfeit unto men. 3. Who those Men are, to whom it may be so forfeited, so as they may take the forfeit and that justly. For solution of this Question. 1. This I take as a certain rule, that whatsoever is given and held upon condition, that may be lost and forfeited. 2. A right once forfeited falls to the party who gave it, and set down the conditions. 3. They, who from God give Majesty to any person or family at the first, before they had any right unto it, are the people and community to be governed. 4. There is no rational and intelligent people in the World will bind themselves to subjection, but upon condition of a just protection. No, a people conquered will not yield to be the subjects of the Conqueror, but upon this condition. And, though his Sword may take away their lives, yet it cannot make them his Subjects without their voluntary submission. 5. No wise people, if they can do otherwise, will so submit themselves as to lose the propriety of their goods, the liberty of their persons, the enjoyment of their Religion, or to be governed by an Arbitrary Power without just Laws. 6. Princes, Kings and Conquerors, may either by themselves or their Ministers

Ministers of State, insensibly encroach and usurp, yet these encroachments and usurpations, cannot constitute a Right contrary to the fundamental Laws. And there can hardly be found any other way, whereby many becom absolute and arbitrary Lords, but this way. 7. The party to which the forfeiture is made, is not the Subjects, as Subjects, but the people and community who only can invest one or more with Majesty, and constitute a Government. Neither can Magistrates, as Magistrates, nor any Officers, as such, take the forfeiture. Neither can Parliaments, except such as participate in the personal Majesty, do any such thing. Yet, if the Sovereign once forfeit, the Subjects cease to be Subjects. Nor can a great multitude of these, if they make not the whole body either actually or mutually, though they cease to be Subjects, challenge the forfeiture. By this you may easily understand how loosely the Question between *Arniseus* and his party, and *Buchanan*, *Arthusius*, *Heno*, *Junius*, *Brutus* and their adherents, is handled. 8. It's certain, that Sovereigns by Law, who have not the Legislative power in themselves solely, and are bound by Oath to govern according to Laws, which they themselves cannot make, may forfeit. 9. Such personal Sovereigns, as constantly act, not only against the Laws of God and nature, but against the fundamental

When
Subjection
ceases.

damental Laws, by which they receive and hold their power, may and do forfeit. And this is one reason why all Tyrants in exercise do *excidere jure suo et si hereditario*, which *Arniseus* himself affirms. Yet as he wisely observes, it's not safe always to take the forfeiture. For it is better by petitions, prayers to God; or patient suffering for a while (so that they suffer not the State in the mean time to come to ruine) to seek and expect a redress, than suddenly to involve the people in blood, and hazard the Common-wealth, and put it in such a condition, as that it shall not be able in any due time to settle. Yet a real necessity of defence doth alter the case. Hitherto concerning the manner how Majesty may be acquired or lost.

CHAP. VI.

Of Power Ecclesiastical.

Sect. 1.

THE former Rules may easily be applied to a particular Church, for it's a Spiritual Commonwealth, and must as such, have Governors, and them invested with a Supreme Power, yet such and of the same nature as the Church is; that is, Spiritual and Ecclesiastical. This Power, as all other in Civil States, is derivative from Heaven, and of a very narrow scantling. And, that I may be more perspicuous, and direct the Reader by some line or thred of method, I will say something of the Power, 1. As it is Spiritual. 2. As Supreme. 3. As divisible into several Branches.

Sect. 2.

In the first place it's Spiritual, and that in many respects, as the Authors of *Jus Divinum Ecclesiastici Regiminis* have sufficiently demonstrated. For the persons rule, actions and end are to be considered, not under a Civil, but a Spiritual notion. As stiled by Divines, and that according to the Spirit's language, and the phrase of Holy Writ, to be *Potestas Clavium*. And the acts thereof are opening, shutting; or which are the same, binding, loosing. These are Metaphorical terms, taken out of the Old into the New Testament. For our Saviour did love

love to use the Spirit's words. The first and chief place where we read these words in a Political sense with reference to Government, is that of the Evangelical Prophet. *a And the Key of the House of David will I lay upon his shoulder, so he shall open and none shall shut, and he shall shut and none shall open.* ^a *Isa. 22.2.* Where by Key is meant *Dominatio*, or *Potestas gubernandi*. So *Fererius*, *Schindler*, *Mollerus*, according to the former use do understand it. For there it's said, *I will commit* *Vers. 21.* *thy Government into his hand.*

It's not material to enquire, whether the ^{Sect. 3.} Power or Key of the House of *David* was a Power over the Family, or of the Family over the Kingdom; nor whether *Eliakim* was a Priest or a Prince over the Palace or the Temple. It's certain, *David* was a type of Christ; his House and Kingdom of the Church, and his Regal Power of Christ's Regal Supremacy. ^b For he hath the Keys ^b *Rev. 1.* of Hell and Death, even that Key of *David* ^{18.} which bindeth the soul and conscience, and disposeth of mans spiritual and eternal ¹ *Cor. 3.7.* estate, and that by an irrevocable sentence. This Power signified by Key or Keys is not Civil, but that of the Kingdom of Heaven, which he ^d promised first, and ^e conveyed ^d *Mat. 16.* afterward upon the Apostles. As for the ^{29.} acts of these Keys being exercised, they are ^e *Joh. 20.* said to be sometimes shutting and opening: ^{22, 23.} sometimes binding and loosing. And though these seem to differ, yet they are the same, and are acts of Government. For *to open*

open is to loose, as *Psal.* 102. 20. where it's turned by the Seventy two $\chi\upsilon\omega$, and not only there, but in other places, which I forbear to mention. And $\delta\epsilon\iota\kappa\omega$ to bind; is sometimes to govern or exercise the acts of coercive power. So *Psal.* 105. 22. to bind his Princes, compared with *Psal.* 2. 3. where bands and cords are the Laws and Edicts of Christ. And the same word in the Chaldee, is *obligavit ad obedientiam aut poenam*, חִבְּדָה *Dan.* 6. 7, 8, 9. is Translated by the Seventy two, $\delta\epsilon\iota\kappa\omega$, a Decree, *obligatio*, *interdictum*. It's also remarkable, that $\text{מִגְדִּילֵי שָׁמַיִם}$ to deliver into the hand of enemies, or to destruction, *Job* 16. 11. *Psal.* 78. 48. Hence that phrase of delivering up to Satan, *1 Cor.* 5. 5. *1 Tim.* 1. 20. and also $\alpha\phi\alpha\iota\sigma\omega$ to separate or exclude Lepers out of the holy Camp, as *Numb.* 12. 14, 15. and in other places: which was a Typical adumbration of that act of Jurisdiction, which we call Excommunication.

Sect. 4. This Power of the Keys is spiritual, be-
 f *1 Cor.* 5. cause exercised within a Spiritual Commu-
 12. nity. *Do f not ye judge them that are within,*
 saith the Apostle: I have nothing to do to
 g *Ibid.* judge them without. *For g what have I to do*
to judge them also that are without? God hath
 h *Ibid.* 13. reserved them to his own Tribunal. *But h*
them that are without God judgeth. Yet those
 without the pale of the Church, are not ex-
 empted from the Civil Jurisdiction of the
 Christian Magistrate, if within his Terri-
 tories.

tories. The Power of Hell and Death is not the power of the Sword. The power given to the Church was not given to the State. The power of the Kingdom of Heaven is not the power of the Kingdom of the Earth. The power promised unto, and conferred upon the Apostles, was not estated upon the Civil Magistrate, though Christian. This power opens and shuts the Gates of Heaven: binds and loosens sinners as lyable to eternal punishments, which no Civil Sword can do. Therefore it's spiritual.

As it is Spiritual, so it's Supreme: for a Sect. 5.
particular Church being a Commonwealth or Spiritual state, must needs have a Spiritual Tribunal independent within it self: except we will divest it of the very Essence and soul, wherewith it's animated. Yet it cannot be such in respect of him, whose Throne is Heaven, whose Footstool is the Earth. Or, if by the Divine prospective of Faith, we pierce into the Heaven of Heavens, and approach that sparkling Throne, where Christ sits at the right Hand of God possessed of an universal and eternal Kingdom; every particular and all particular Churches must bow and wave the title of independent. In a word, in all imperial Rights which God and Christ have reserved, and not derived by the fundamental Charter of the Scripture, all particular Churches, with all their Members, nay, all their Officers, even Ministers, are but subjects governed, in no
wise.

wise governing. Supreme therefore it is, both in respect of its own Members within, and also of other Churches, enjoying equal power within themselves: and are not Queens and Mothers, but Sisters in a parity of jurisdiction with it, but no superiority of Command over it. For the parity of them without, is not destructive of her Sovereignty over her own within. The universal Vicaridge and plenitude of Monarchical power, arrogated by the Patriarch of *Rome*, cannot justly depress or take away the Rights of any particular Church. This Power was first challenged, then usurped, after that in a great measure possessed, exercised and pleaded for. The pretended right and title was invented after they had possession, and with a fair colour did for a long time gull the world: which at length awaked out of an universal slumber, and found it to be a dream.

Sect. 6.

As this Power is, 1. Spiritual. 2. Supreme: so, 3. It's divisible, and may be branched into divers particular *jura* or rights: which are four, 1. Of making Canons. 2. Of Constituting Officers. 3. Of Jurisdiction; and, 4. Of receiving and dispensing of Church-goods. Thus they may be methodized.

$$\begin{array}{l} \text{Jura Eccle-} \\ \text{siasticum} \\ \text{duplex} \end{array} \left\{ \begin{array}{l} 1. \text{ leges } \\ 2. \text{ bona Ecclesiastica dispensandi.} \end{array} \right. \begin{array}{l} \text{Sferendi} \\ \text{exequendi} \\ \text{per-} \end{array} \left\{ \begin{array}{l} \text{Rectorum constitutionem,} \\ \text{jurisdictionis exercitium.} \end{array} \right.$$

There may be other petty *Jura*, yet easily reducible unto these. And this division, though grounded evidently upon Scripture, and will by the ingenious be easily granted, yet it may seem new to some, upon whose understanding the old perhaps hath made too deep an impression. For I find the old distinction of this power into two parts. The 1. Of Order. The 2. Of Jurisdiction to be retained by many unto this day. Yet they do not unanimously define what this *Clavis* or *potestas ordinis* is. Some will have it to be the same with *Clavis Scientiæ*, which the Schoolmen understood of that juridical knowledge, which was antecedaneous and subordinate unto the Decree or definitive sentence. Others say, it is the power of Ordination and making of Ministers. Others take it to be the power of a Minister ordained to preach the Word; and administer the Sacraments. In which respect it cannot belong to the external Government of independent Churches. For a Minister, as such, is so a Deputy of Christ, as that in the due execution of his Office he is above any particular Church, and above the Angels. And his power in this regard is rather moral than political. As under this notion,

some give him jurisdiction *in foro interiori*, which the Papists call *forum pœnitentiale*. But *in foro exteriori* he cannot challenge it as a Minister: For then it could not be communicated to any other with him, as to ruling Elders representing the people. This the Bishops formerly assumed to themselves, with a power to delegate the same to others.

Sect. 7.

These Keys or Powers in the root, are but one and the same power supernatural, which is a principle of supernatural acts; the first branch whereof is the Legislative. This ever was, and doth still continue in the Church, and is most necessary for to regulate, and determine the acts both of Government and subjection. For without a certain directive and binding Rule, no State could ever long continue. And God himself (whose Power is absolutely supreme) did limit himself by a certain Law, before he began to require obedience from his Creatures, and exercise his power *ad extra*. For it's his will and pleasure, that neither men nor Angels should be subject unto him, but according to a certain Rule. This the Apostles, Elders and Brethren put in practice, *Act. 15*. And the *jus Canonicum Novi Testamenti* issued from this Power. Unto this Head are reduced the forms of Confession for Doctrine, Liturgies for Worship, Catechisms for instruction in the Principles of Religion, and Canons for Discipline in every well constituted Church.

In

In this Legislation Ecclesiastical, they either do declare what God before hath determined, or determine in things which God hath left indifferent, what is profitable and expedient according to the general Rules of order, decency, unity and edification: according to that distinction of Laws into declarative and constitutive.

After Laws are made and established, Sect. 2. they must be put in execution: otherwise, though they be both wisely and justly enacted, and in themselves very excellent, yet they are in vain and to no purpose. This cannot be done without Officers: therefore there must needs be a power of making Church-Rulers. Under this Head, we must comprehend Election, Examination, Ordination, Suspension, Degradation, and whatsoever concerns the making, reforming, or disposing of Offices. When Canons are made, Officers with power of jurisdiction be constituted: yet all is to no purpose except they proceed to hear, and finally determine all Causes and Controversies within their Spiritual jurisdiction. Therefore there must be *Jus jurisdictionis cum ultima provocatione*. Hitherto appertain all Ecclesiastical Tribunals, Judges, judicial proceedings, the discussion of all causes within their Cognisance, sentences of Authoritative admonition, Suspension, Excommunication, Absolution and Execution.

of all. Besides all these, because the Church, whilst on Pilgrimage towards her Heavenly City, hath need of these earthly and temporal goods; neither can the publick Worship of God, or her Officers be maintained, nor her poor Saints relieved without them, therefore every particular Church should be furnished with a Revenue, and have a kind of *publicum ararium* of her own; which is not to be disposed of according to the will and pleasure of any private person or persons. But there must be a power, as to make Officers for other things, so for this particular to receive, keep and dispense the Church's Treasure; this of themselves without publick consent they cannot do. Therefore, though the making of Deacons belong unto the second part of this Independant power, yet *ius dispensandi bona Ecclesie publica*, is a distinct power of it self. Christ and his Apostles had a common purse, *Joh. 13. 29.* so had the Church, *Act. 6. 1, 2, 3, &c.* For this end they had their Collections at set times, *1 Cor. 16. 1, 2.* This Treasury belonged to the Church, not to the State, and did arise from the free gifts of such as were of ability, and well disposed, before there was any Tenure in *Frankfe* *Almoigne*, as afterwards there was.

sect. 9.

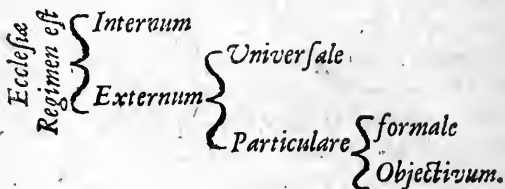
Before I conclude this Point concerning power (lest instead of a well-composed body, I make an indigested lump of hete-

heterogeneous stuff) I will enquire how far it doth extend, what be the limits wherewith it's bounded, what measure and degrees thereof a particular Church, as such, by Scripture-Charter may challenge. For this purpose we may take notice of the subject of Power, which is primary or secondary. In the primary, it's primitive, total, supreme: In the secondary, it's derivative, partial and subordinate. The power in both is the same essentially; yet in the one as in the Fountain, in the other as in several Channels. This seems to be intimated by that submission required by the Apostle unto the King as supreme, or unto Governours sent by him, 1 *Pet.* 2. 13, 14. The King is Emperour, who was the immediate subject of Supremacy; Governours were Presidents, and *Vicarii Magistratus*, who are the instruments of the supreme as principal in government. Coincident with this seems to be that distinction (so frequent with Mr. Parker) *inter statum & exercitium*. According to which he defines the government of the Church *quoad statum*; to be Democratical, because the power of the Keys is in the whole Church (which with him is a Congregation) as in the primary subject. But *quoad exercitium* to be Aristocratical in the Rulers who derive their power from Christ by the Church. This shall be examined hereafter. This difference

of the primary and secondary subject is to be observed, lest we make every one who hath power, and is trusted with the exercise thereof, the prime and immediate receptacle of Church-power from Christ, which is not to be done.

Sect. 10.

In the second place we must repeat a distinction, taken up in the beginning of this Treatise, which may briefly be contracted in this manner :



The Internal is Gods. The external Universal, as such, Christ doth justly challenge. The external particular formally and properly Ecclesiastical is committed to particular Churches. The external particular materially considered, is the Christian Magistrate's due; because the matters of the Church in this respect are an object of his Civil Power. That distinction of *Cameracensis, potestas est ordinis aut Regiminis*, the same with that of *Biel*, and many other Schoolmen, hath some affinity with this. For, the power of

11 *Quæst. in vesperis*
Dib. 4. dist.
 8. *Quæst. 2.*

of Order with them is the power of a Minister; as an Officer under Christ of the Universal Church, and is exercised *in foro pœnitentia*li, or *interiori*. The power of Government and Prelation (which *Defensor pacis* saith, the Bishops had *per accidens*) is the same with this external Government of the Church, as exercised *in foro exteriori*, *Mat. 18. 1 Cor. 5. Rev. 2. 2.* or *judiciali*, as they term it. All the power of a particular Church, is confined to matters Ecclesiastical, as such in that particular community, and is exercised only *in foro exteriori*. This must needs be so, because the internal Government of the Church, which by the Word and Spirit immediately rules the conscience, so, as to cast the impenitent both soul and body into Hell, belongs to God as God. The external government of the Universal Church as Universal, is purely Monarchical under Christ; in which respect all particular Churches are meerly subjects; and no ways independant, no nor governing.

Yet in the third place, if this be not so Sect. 11. manifest and satisfactory, the point may be illustrated, if we parallel the Government of the Church with that of *Israel*. As that was *θεοκρατία*, so it is *χριστοκρατία*. In the Theocratie of *Israel*, God was *pars imperans*, and the absolute Monarch, and reserved to himself the *jura Majestatis*.

For he made their Laws, appointed their chief Officers, Generals, Judges: he appointed their Kings, proclaimed their Wars, concluded Peace, and received last Appeals. Yet in many petty causes and matters of State, and that often, he trusted their Elders, Officers and Princes, and committed to them exercise of power and actual government. And their Kings were but a kind of *Vicarii Magistratus* under him. So Christ hath retained to himself the government of the universal Church as such: as also the Legislative power of particular Churches in all Essentials and Necessaries, and hath enacted general Statutes for Accidentals and Circumstantials. He hath the principal power of making Officers, for he determines how many kinds of necessary Officers there should be: limits their power, prescribes their qualification, sets down their duty, and gives them their Commission. Their judicial proceedings run in his name, and their sentence is so far valid on earth, as he shall ratifie it in Heaven. Yet in making of Canons they have power so far, as to declare in Essentials, to bind in positive Laws and in Circumstantials. In ordaining of Officers the designation of the persons is theirs. In Jurisdiction, they have power to hear, examine, take witnesses, apply the controversy or cause to the Canon, determine and see the sentence executed; and all this in a Sovereign and independant man-

manner within the circuit of their own Church. And, whereas it may be said, all this power amounts but to a little, and is confined to a narrow compass; It's true, it's but a particle: Yet the Church is more happy, and the Government more excellent, because it depends so little on man, so much on Christ. And this power, though diminutive, yet through God's blessing is effectual, and tendeth much unto the preservation of purity, piety, unity and edification: and if well managed, is an excellent means to enlarge Christ's Kingdom, and further our eternal Salvation. The result of all is this, that particular Churches are not supreme, but subordinate, both in respect of the internal Government which is purely divine, and also in respect of the external universal, which is purely Monarchical under Christ. The Church of *Rome* doting upon her universal Head and Vicar-general, presupposed and took for granted, that the community of all Christians in the world were but one visible Church under, and subject unto one and the same supreme independant Judicatory. This no question is an error. For, though there be an universal visible Church, yet it's subject only unto one supreme Consistory in Heaven, but not on earth, either in a Monarchical, or Aristocratical, or Democratical form, as shall be hinted hereafter. And, suppose the Pope had been an Ecclesiastical Monarch, because the Patriarch

triarch of the first See in the Imperial City : yet he could not be universal, but only in respect of the Church within the confines of the Empire, which did enclose all the other Patriarchates, and was but a little parcel of the world.

C H A P.

CHAP. VII.

Of the manner of acquiring Ecclesiastical Power.

HAVING manifested, what Ecclesiastical Sect. 1. Power of Discipline is, I must search how it's acquired: for this as well as civil is derivative, and that from Heaven, and in a more special manner. It's not natural but acquired. It's also continued by Succession, not Hereditary but Elective; not in a Line, as the Sacerdotal power confined to the Family of *Aaron*. It's first in God the Fountain of all power, and from him derived to Christ as man and Administrator-general. For so after his resurrection, he said unto his Disciples, *All power in heaven and earth is given me*: some measure of this he by Commission delegates unto the Apostles. Yet that power of theirs as extraordinary, was not successive, or to be derived to those who followed them as ordinary Officers of the Church; for it expired with them. Yet there was an ordinary power of Discipline derived to them, and they never, except in ordinary cases, did exercise, it but with the Church. This, some say, was acquired, by those words of Christ to *Peter*, *To thee will I give the Keys* of

Of the manner of acquiring

of the Kingdom of Heaven, &c. Mat. 16. 19. This power was given to *Peter*, many of the Ancients say, as representing the Church; others think it was given him as Head of the Church; others as representing the Apostles, from whom it was derived to the Bishops; or else, as others tell us, to the Elders of the Church. But of this hereafter: But whatsoever power the Apostles might have either severally or jointly considered; it's certain, that Christ derived it to the Church, whereof the Apostles were Members, yet extraordinary Officers. The Church acquired it, therefore by free donation from Christ, when he said, *tell the Church, and afterwards, whatsoever ye bind on earth shall be bound in Heaven, Mat. 18. 17, 18.* By this Church is meant no *Utopian*, aerial or notional body, but such a society of Christians brought under a form of Government, as may and can exercise this power, as the Church of *Corinth*, *Ephesus*, *Antioch*, *Jerusalem*, or any of the Churches of *Asia*.

Sect. 2.

But, though I intend in this to be brief, yet I will observe some order, and this in particular it is,

Power

Power Ecclesiastical is { acquired by { immediate designation of { Christ, Apostles.
 { lost { immediate institution, and that { justly, unjustly

Seeing none hath this spiritual power, except given from God, therefore it must needs be acquired as it's derived :

It's derived { immedi- { Christ as man,
 { ately to { the Apostles as his delegates.

Christ as man by his humiliation unto death, the death of the Cross, acquired an universal power over all persons in all causes spiritual. And he received it upon his Resurrection, and upon his Ascension, being solemnly invested and confirmed, began to exercise the same. The Apostles being extraordinary Officers under Christ, received their extraordinary power, which was both intensively and extensively great, from Christ. And, 1. For the lost sheep of *Israel* before Christs death. 2. For all Nations after the Resurrection. 3. More fully and solemnly invested after Christs Ascension,

Ascension, they began to act: and that both in an ordinary and extraordinary way, and that in Discipline, as shall appear hereafter. As they were extraordinary, they could not, as ordinary they might have successors.

Sect. 3.

As the power is derived in an ordinary way, so it's acquired by the Church mediately. This Church did first consist of the Apostles, the seventy Disciples, and other believers of the *Jews*. After that we find several Churches consisting of *Jews* and *Gentiles*. After that a Church, as taken from a Christian Community, is once made up of persons, a multitude of persons associated, and endued with a sufficient ability to manage the power of the Keys, in that visible body politick, presently it acquires this power by virtue of Christ's Institution in these words: *Tell the Church, &c.* as before. For in that very Rule, he gives to direct us how to deal from first to last with an offending brother, he institutes the external government of the Church, and both erects and also establisheth an independant tribunal. After a Church is once constituted, and this power acquired it's exercised either by a general Representative, or by Officers: both these must be invested with power before they can act. And these acquire their power by delegation, or by being constituted Officers. By these means the power may be acquired justly. Yet

Yet it may be possessed or exercised unjustly. It's usurped when any arrogate it, or take upon them to exercise it without just warrant from the Gospel. Therefore, 1. When a multitude of Christians, who have no ability to manage it, shall erect an independant judicatory, they are Usurpers. 2. When one Church challengeth power over another. 3. When *Presbyters* alone, or Bishops alone engross the whole power Ecclesiastical, both of making Canons, and of Jurisdiction and constituting Officers. 4. Magistrates, who as such, take upon them spiritual power. 5. But the greatest Usurper is the Pope, who usurpeth a power both intensively and extensively far greater than is due.

As the Power may be acquired, so it may be lost. For, 1. When a Church is so far decayed, as not to be able to exercise an independant jurisdiction or order as their association; so their power is so much abated. 2. When a Church doth wholly cease to be a Church, then their power is wholly lost. Yet when it's hindred either by the Magistrate, or by schisms and rents in it self, so that it cannot exercise it, yet it's virtually in them. And many times such is the neglect of Christians, that they will not associate nor reduce themselves into Order when they might do it; this is a great sin. 3. When Representatives

tatives turn into a faction and betray their trust, they lose their power as Representatives. 4. All Officers are divested when for some just cause, they are deposed or degraded, but this belongs not to this part.

CHAP.

CH A P. VIII.

*Of the disposition of Power Civil, and
the several forms of Government.*

After the acquisition both of Civil and Ecclesiastical power, follows the disposition of both, which will take up a great part of this first Book. And 1. Of the manner of disposing Civil Power. This Disposition seems to be the same with acquisition, because it cannot be acquired but by a certain subject, neither can it be said properly to be actually acquired, but at the very same time, and by this very Act it's placed in that subject. Yet because Power Civil may be so communicated and acquired, that it may be disposed of several ways: and from these several ways of disposing, arise several distinctions and differences of Common-Wealths. I thought good to make Disposition a distinct thing from Acquisition, and so handle it for the better understanding of this particular. I will

Sect. 1.

1. premise some general Observations.

2. Briefly declare the several ways of disposing Majesty, and the several forms of Governments.

3. Inquire into the Constitution of the Common-Wealth of *England*.

4. Deliver some things concerning our condition in these late times.

Sect. 2. The Observations are these: The 1. which belongs unto that of Acquisition, is, That no power can be fully acquired, till it be accepted of as well as communicated. For, no man can be bound to be a Sovereign against his will.

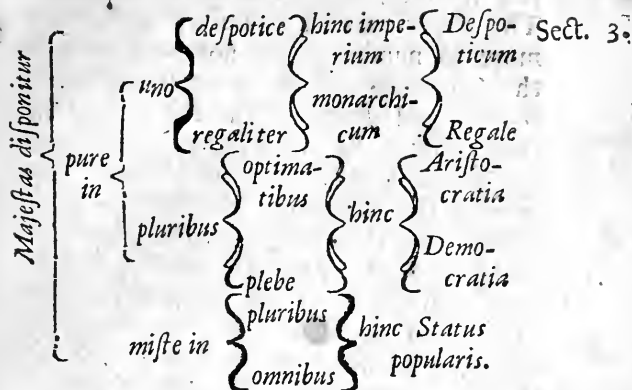
2. That Majesty is then disposed, when it is placed and ordered in a certain constant subject, which thereby may be enabled and bound to protect and govern.

3. That to be disposed in this or that subject, in this or that manner, is accidental to Majesty, though to be disposed is essential to a Common-Wealth.

4. From the differdnt ways of disposing this Power arise the different kinds (as they call them) of Common-Wealths. For from the placing of it in one or more, arise Monarchical, Aristocratical and popular States.

5. Majesty being the same in general in all States, it may be disposed several ways and in several degrees, in one or more. Hence arise the difference of one Monarchy from another: one Aristocracy from another: one popular State from another.

6. Though it may be a Question, whether the disposing of Power in one or more can make a specifical difference, yet Monarchy and Polyarchy are taken for different *species* of Common-Wealths essentially different.



The knowledge of this Scheme depends upon the difference and distinction of the parts and members of a Community. For besides those which are but virtually members, there are such as are *sui juris*, independant upon others: and these are divided into three Ranks. As 1. Such as are only free. 2. Such as are of the Nobility. 3. Some that are super-eminent. The two former are called in Latin, *Plebs & optimates*. And amongst these *optimates* there may be very great difference: as we find a *Pompey* or a *Cæsar* amongst the *Romans*: a *Duke of Briganza* amongst the *Portugals*, who inherited a vast Estate in Lands: These

are called the *Tres ordines*, the three States or Ranks of the whole Body of the People, with us, King, Peers and Commons. The super-eminent are few, the Peers more in number, yet not very many: the Commons are the greatest multitude by far, and make up the main body of the Society. Yet with us, of these there be several degrees and subdivisions. Amongst the Commons, we find the Freeholders and the Gentry, and a great disparity in both. Amongst the Peers there is a difference, 1. In respect of the manner of acquiring of this Dignity: and so some of them are such by ancient tenure, amounting to so many Knights-fees: some by Writ, some by Patent. These are called in Latin *Barones Feudatarii, rescriptitii, diplomatici*. There is another distinction with us of Lords; for some are Temporal, some Spiritual. The highest of these amongst us are those of Royal Extraction: In *France* the Princes of the Blood. In some Countries, as in *Denmark*, and some say in *Poland*, there be Peers and Lords, which hold in *Allodio*, and these are independant upon the King in divers respects: such also the Princes of *Germany* be for the most part. And in those States where such are found, the Government usually is Aristocratical. These Kings, Dukes and Monarchs became such at first, either for the antiquity of their Family and their great

greate Estates, or for their super-eminent wisdom and vertue, or for their rare exploits in War or Peace. For such as are Generals and great Commanders in wars, prudent and successful, much beloved by Souldiers, may do much; dethrone Princes, set up themselves, and if it will not be fairly given, they will forcibly take the Crown: and sometimes they may deserve it, and prove the fittest to wear it. These are the three Ranks and Orders of the People.

These being known well, will give some light to that which follows, concerning the disposing of Majesty whether real or personal, though all Majesty actually ruling, must be in some sense personal. First this super-eminent power may be placed

Sect. 4.

Purely in { one,
more.

In one, and then that the State is called a Monarchy. Yet it may be disposed in more than one, several ways. 1. More absolutely. 2. More strictly limited. An absolute Monarch, whether Elective or Hereditary is such, as hath a full power over his subjects goods and persons as his own: so that the people have neither propriety in their goods, nor liberty of their persons. They are but his servants and little better than slaves: such Pharaoh's Subjects, when Joseph had

purchased their stocks, their Lands, their persons for the Crown, seem to have been. This Government is *absolutum dominium*, and therefore termed *Despoticum* & *herile Imperium*. And such a Monarch seems to be that which by *Aristotle* is called *Παμβασιλεύς*. There be Princes invested with Majesty, who challenge the Legislative power unto themselves, will by a Proclamation or Edict command the goods of their Subjects, and imprison their persons at will and pleasure. These though they be limited by the fundamental Constitution, and their Oaths, are in the exercise of their power as absolute as the former. This kind of Government may do well where the Subjects are turbulent, insolent and unruly, or of a base and servile spirit, or rude and savage. But where the people are ingenuous, tractable, and of a better disposition, it's very unreasonable: for, it will either cause Rebellions, and Seditions, or much debase their spirits. This kind of Monarchy is apt to degenerate into a Tyranny of one person. Yet if this kind of Sovereign be wise, just and vertuous, the people may live happily under his protection. Yet such a power, and so unlimited is not fit to be trusted in the hands of every one. And if it be hereditary, woe to the people that live under it. Yet

Yet this power may be trusted in the hands of one, yet so as that it may be allayed, limited, and justly and wisely poised, and the Sovereign as a King. The word *מלך* in Hebrew signifies a Governor in general, *Βασιλεύς* in Greek is a word of great latitude, and so is *Rex* in Latin, and also *Sultan*, in the Arabick and Mauritanian Language. Yet some are such imperious Dictators and Masters of words, that the word *King* must needs signifie an absolute Monarch. That it often signifies a Monarch and one that hath the title of Majesty, there is no doubt. But the bare word or title not distinctly inform us of the power, or the manifold differences of Kings; which must be known another way, as by the constitution of those particular States; where the chief and most eminent Governours have that title. For there is a great difference and that in respect of power, between the King of *Spain* and *France*, and the Kings of *Poland*, *Swethland* and *Denmark*. Neither doth the Kings of *England* in this respect exactly agree with any of them. But if the word cannot, the definition surely of a King should determine his power. Yet neither will the common usual definition do it. For thus he is commonly defined. *A King is a Monarch, who governeth free men justly according to the Laws, to the good of the Common-wealth.* The *Genus* is, that he is a *Monarch*. And if such

in strict sense, as such, he can have neither Superiour nor Peer in his Kingdom. The specifical difference is taken from the Subject, the rule, the end of his Government. For his proper act is *Regere* to govern. The subjects of his Government are Freemen. The Rule is just Laws. The end the publick good. Abstract the specifical difference, and lay the word *King* and *Monarch* aside, and it agrees to all Governours Civil whatsoever. For Civil government being grounded upon the eternal moral Law, *Love thy Neighbour as thy self*; and more particularly upon the fifth Commandment, no person or persons invell'd with Sovereign power can be defined any other way; and neither their power nor the exercise thereof is good, further than it agrees, with this definition. And the more their government swerves from this Rule, the more of the *Tyrant* is in them: and if the violation of it be more than their observation, and that habitually too, then they are really Tyrants; *in exercitio*. For *denominatio fit a parte praeponderante*. But I have wondred, why Authors have made this the specifical difference of a King, which certainly it cannot be. Yet this definition leaves many things doubtful. For, it determines not what liberty is, and whether it can be perfect without propriety. Nor doth it tell us, what these Laws are according to which he must govern: whether the Laws of God only, or the Laws also

of men: and if of men, whether the Laws of constitution or administration; if of administration; whether they must be made by himself alone, or by some others without him, or with him. For, if the Laws be made by him alone, he is an absolute Despotical Sovereign; if by others, either with him or without him, he is not such. For there may be a King, at least in name above Law, and a King by Law, and such as cannot command or bind the meanest Subject, nor judge him; but according to Law. Such a King is not a pure Monarch, which I now treat of. Therefore a King that is a pure Monarch differs from a Despotical Sovereign in respect of his Subjects, and the measure of his power, and according to this definition in the exercise of it. The Subjects of the one are free, and have propriety of person and goods, the Subjects of the other have neither. The power of the one is more absolute, and of larger extent, or rather more intensive. The exercise of the power of the one is bounded by just Laws; the power of the other is not limited or directed by Laws; and so tends not so much to advance the weal of his Subjects as his own greatness; and in this respect can be no lawful and good Governour; if he act according to his absolute and arbitrary power, which God never gave him. And Despotical Sovereigns, if wise and just, will do as *Trajan* did, that is, act according to the Rule

Rule of Justice and of a limited power, though they be not bound by man to do so.

sect. 6.

An absolute and pure Monarchy is a very dangerous form of Government, and very inclinable and propense to Tyranny; and such a Sovereign, as is invested with such transcendent power, degenerates and turns Tyrant. Experience in all times and places makes this evident, Monarchy indeed in some respects is the best Government. Yet such is the imperfection and corruption of man that it proves not to be so. If Monarchs were like God, or Saints and Angels, it might be better. But in a succession, whether elective or hereditary, we find in tract of time few good, many bad, and very wicked. In *Israel* the first King was not right, the fourth too bad; and after the Kingdom was divided into the Tribe of *Israel* and *Judah*, in *Judah* we find few like *David*, many very wicked: in the Kingdom of *Israel* not one good. Yet the Laws both Civil and Ecclesiastical were made to their hands, and that by God himself. Sovereign power is a weighty burthen, and requires much strength, and excellent abilities. *Moses* himself cannot bear it alone: he hath need of one hundred and Seventy Elders, and the same endued with the spirit of government to be his assistants. If a Sovereign be imprudent, or weak of understanding, not able to judge of good counsel, or negligent, or timorous,

or

or wilful, or destitute of good Agents, and Instruments for Administrations, the Government begins to decline even in most peaceable times, and the Subjects become suddenly unhappy. But if he be Wicked, Vitious, Insolent, Impetuous, Cruel, he instantly becomes a Tyrant, and then both Church and State begin to suffer much: Religion is corrupted or suppressed and persecuted, the Wicked are predominant, and the best under Hatches. Yea, though the Prince may be of a good Disposition, yet facile and flexible, devoid of Wisdom and Courage, and also destitute of good and faithful Counsellors, and beset with wicked Men, how easily is he misled, involved in many Troubles, and in the end brought to Ruine. Sometimes a few cunning Politicians act him as a Child, drive on their own Interest, and neglect, yea, pervert the publick Good. How much more if the Monarchs be Children, or Ideots, as some be? If in such a model God raise up a *David*, a *Solomon*, a *Jehosaphat*, an *Ezekiah*, a *Josiah*, the People may be happy, and have great Cause to bethankful for so great a Blessing.

There is another way of disposing Majesty than the former, and that is, when it's fixed

Purely

Sect. 7.

Purely in more than one,

And that is twofold, in $\left\{ \begin{array}{l} \text{Optimatus,} \\ \text{plebe.} \end{array} \right.$

When it is disposed in few, and the same more eminent, it's called an Aristocracy, so called from the quality of the persons who govern. For they are *ἀριστοὶ* *optimates*, *primores*, *principes*, the most eminent in the Community, and above the common Sort or Plebean Rank; for they are not only *formaliter*, but *eminenter cives*, as you heard before. Their eminency ariseth from their noble Extraction, as being descended from noble and ancient Families, or from their great Estates, or from both, or from their excellent Vertues. And such, as in whom all these concur, are the fittest for Government. Amongst the *Romans* these were called *Patricii*. This Order of Peers, which may be so called, in relation of one unto another amongst themselves, is sometimes confined to certain Families, as they say it is in the *Rhagufian* and *Venetian* States, and with a permission or prohibition to marry in inferior Families, or there may be way made open for the Adoption of other persons for their eminent Vertues, though of meaner Rank. For *virtus vera nobilitas*. Such were the *Patricii minorum Gentium* amongst

mongst the *Romans*. And though political Vertues, as Wisdom and Justice do best qualifie them for the place, yet it's requisite they have good Estates, or sufficient Allowance, otherwise they will oppress the people, or be unfit to attend the publick Service. Yet such as are born of noble and ancient Families have some advantage, because they many times inherit great Estates, are more honoured by the People, have the benefit of the best Education, sometimes participate some measure of the noble Spirit of their Ancestors, whose rare Examples may do something too. These, though physically many, yet morally, are but one person collective. They may have a president, and such as the Duke of *Venice*: And his Privileges, Honour, State and Dignity may be Paramount, and he may have the precedency, yet no negative Voice nor Power above the rest. For the Power, and all the particular Rights of Majesty are in them all jointly: And when they in any business of State do differ, the major part carries it, and the rest submit. This may be an excellent Government, when all or the greater and predominant party are Wise and just, and follow some certain Rules of the Constitution, and seek the publick good, as all other Sovereigns should do. If there be not care taken in the Succession, that the best may succeed the best, the body will corrupt and degenerate

nerate into an Oligarchy, which is then done, when either they agree to advance their own private Interest, to the neglect of the publick ; or if they be divided, one party bears down another, and a few prevailing engross the Power, and Usurp far more than is due, and oppress the People, and so prove a number of Tyrants. When the richest engross the power to themselves, it's called a Timocracy. If the Succession into places vacant, either by death, or some other way be by Election, an excellent qualification preredquired, some strict order for the admission should be observed, least unworthy persons enter by Favour, Money or some Indirect way. And in this particular the State of *Venice* seems to excel. Neither must any of them be suffered to swell and rise above the rest, as many ways they may do ; especially if they be Men of excellent parts and successful, and be trusted with too great a command in the Administration. For some wise Men have observed, That the unlimited Commission granted *Pompey* at the first, for the Pyratick War, laid the Foundation of those bloody Civil Wars which followed.

Sect. 8.

Majestas pure disponitur in Plebe.

This is the last and basest kind of the pure Models. For *Plebs* signifies the inferior rank of People, which for number
for

far exceed the rest. Among these, besides Artificers, Husband-men, and such as are for Trade and Traffick, there may be some Merchants of great Estates, some of more noble Descent and competent Revenue, yet far short of such Eminency as is required in Peers or Princes; which this kind of Government cannot brook. Yet it may be so ordered, as that the exercise of the Power may be trusted in hands of some just, wise and experienced Persons, which either must govern by course, or be removed, least trusted too long, they engross the power to themselves, or to some few Families, or to a Faction predominant. For this kind of Government is very subject to Faction, Disorder and Tumults. The name of it is a Democracy; in which there is the greatest Liberty, not only because they are free from Peers and Princes, but because every one may be a Magistrate, and proceed in such a way as opens to that end. Yet because in such a State there be few Men of Learning, Wisdom, Experience in matters of State, most of mean Education, and many so taken up with their own private Affairs, it can hardly continue long without some Alteration, if not Ruine. It presently degenerates into an Ochlocracy, and when such, there it cannot stay long before it become an Anarchy. It's a Curse and heavy Judgment of God to live in such a Government, according to that in the

Pro-

Prophet. *And the People shall be oppressed; every one by another, and every one by his Neighbour: the Child shall behave himself proudly against the ancient, and the base against the honourable,* Esa. iij. 5. The Philosopher reckons up four several kinds of this Democratical Form: and there may be many more, some better, some worse. Of the Tumults and Intestine Dissentions amongst these Plebeans, Histories tell us much. But this is a subject which is not very profitable, and I list not to enlarge upon it.

Sect. 9.

Majestas disponitur mixte in $\left\{ \begin{array}{l} \text{pluribus,} \\ \text{omnibus.} \end{array} \right.$

There is another kind of disposition different from the former, and it's called a mixt Government. The reason of the name few know, because they little understand the thing. It's not called so, as many think, because the *Jura Majestatis* are divided and given some to the Peers, some to the people, and some in some States to the Prince. For this tends to confusion, and doth not well suit with the Nature of Sovereign Power. Therefore it's the cause of many Quarrels and Dissentions. But it's called mixt, because either three or at least two of the States are mixt together, so as that the Sovereignty is jointly in them all, and in the whole

whole ; and of these there are two Sorts. For sometime there is no Prince in the Administration, and then it's in the Commons and the Peers ; not in Peers and in Commons severally ; but in both jointly. Sometimes it's *in omnibus*, in Prince, Peers, Commons. Yet these in the Administration may have their several parts and different manners of acting. Therefore we must not judge of States according to the manner of Administration, though the Administration will give great light and help us to understand the Constitution. This kind of Government is called a *Free State*, a popular State, a Republick, or the Republick, and may be the best State of all others, where *Majestas* is *tota in toto*, yet there may be several kinds of this manner of Government, which by the Philosopher, as some think, is called, *πολιτεία κατ' ἔξοχον*, *The Polity*. *Machiavel* informs us, That Experience of the Inconveniencies of pure States put men on work to find out this, and for the most part it may be so. If either of the two, or any of the three States be predominant in the Administration, the State is denominated from the prevailing part. For where the Prince hath the Title of King, and is predominant in the Exercise of the Power, it's called a Kingdom, or Monarchy ; where the Peers, it's an Aristocracy ; where the Commons, a Democracy ; and yet if it be a right mixture,

ture, it can be none of these: And in this particular many are deceived. For where the whole Power is wholly in the whole, there *Populus*, that is, King, Peers and Commons, are the proper subject of Majesty in the Constitution; by and in which, if any be predominant, it cannot be a Free State. Such a Government the *German Empire* and the State of *Venice* seem to be. Yet in this latter, the great Council, which, some tell us, consists of Peers, is counted and judged to have the supream Power. Yet, if we may believe *Machiavel*, the Families out of which they are chosen, were, at the first Constitution, the whole People. The *Lacedæmonian* State is thought by many to be mixt, and some say the mixture was *ex Democratia prædominante & Aristocratia diminuta*, yet this is very improper and cannot be true. The State of *Rome* seems in the time of the Kings to be a Monarchy: After that an Aristocracy in the Senate, and the *Patricii*. But when *Plebs* did *jubere Leges*, then it was a Democracy in the judgment of many. Yet upon diligent search it will be found otherwise. For though the King was the chief Pontiff, and did call the Assemblies, had the chief and sole command in War (for they gave him *ἐν πολέμῳ ἡγεμονία* *ἔχειν αὐτοκράτορα*, yet *Halicarnassæus* lets us know, That this Form was taken from the *Lacedæmonians*, where the Kings had not absolute Power, they

they were not *αὐτοκράτορες*, but were limited by their *βέλιω*, or great Council, and amongst the *Romans* by their *γερουσίαν*, that is, their Senate. They must not do what they will, but what the Senate did determine. Yet we shall often find this mixture very imperfect or very much altered in tract of time from what it was at first. To say nothing of *Platonick* and *Utopian* Commonwealths, which are not practicable, nor people capable of them, the summ of all this Head is this, That God hath given to Men in their several Communities, a power to protect the Just, and punish Offenders according to wise Laws and just Judgment, and also a power to preserve themselves, and justly maintain their own Right against all Enemies and Invaders. Yet he hath left them at Liberty to dispose of it several ways, and trust it in the hands of one or more, who, if they once take it upon them, must exercise it and be just. For he that ruleth over men must be just, ruling in the fear of God, 2 *Sam.* xxxiiij. 3.

After, 1. The generals premised. 2. Sect. 10. The several ways and manners of disposing Majesty in a certain subject handled, I proceed to say something of the Constitution of the State of *England*, which hath long been governed by Kings and Parliaments. There was indeed a time, even after the *Saxons* were settled in this Nation, when there was no King, but

Forty Lords, who at length chose a King, which should have no Peer : And there was a time when there were many Kings. And after that we find one King and Parliaments, and this before the Conquest. For this model of ours began in the time of the *Saxon* Kings, and was brought to perfection, some say before ; some say in *Edward* the Confessor's time. What the power of these Parliaments, and of these Kings were, is the great Question. For that once known, the Constitution will be evident. There was a Power of Kings, and also of Parliaments severally, and a power of them jointly considered, we find the real Majesty in the People, and personal Majesty in King and Parliament jointly ; and a secondary personal Majesty, sometimes greater, sometimes less in the Kings, in the intervals of Parliament. But to observe a method, and proceed more distinctly, I will, 1. Presuppose some things. 2. I will say something of the Kings. 3. Something of the Parliaments severally. 4. Something of them both jointly. 1. Therefore I will suppose the Government of *England* to have been by King and Parliament before the Conquest, and to have continued so till our days : And whosoever will not grant this, must either be very ignorant, or very partial. 2. I will take for granted, That there have been extraordinary cases, wherein the Rules of the Constitution

either

either have not, or could not be observed. 3. This is also true, that sometimes when they might have been followed, yet either the constitution of the Parliament, or the carriage of the Kings was such, as that they have violated the same. 4. Wise and intelligent men will not deny, but that in our days the Government was so altered and corrupted, that the first constitution was hardly known, and it was a difficult thing either to reform it, or reduce it to the ancient form.

These things supposed in the second Sect. II. place, I will examine, 1. How the King acquires his power. 2. What his power acquired is. 3. How far it's short of a ple-
nary personal Majesty. 1. The manner of acquiring this Power and Title, is either by deriving it from the first investiture, or by inheritance, or election. For the first investiture, I find none to insist upon it, though the rule of investing, if there be any, should be sought in the fundamental Charter. If the Crown be hereditary to the Kings, and they have it as their own Fee, they may dispose of it, and of themselves, appoint their Successor whom they please; and King *Henry* 8. might without any Act of Parliament, have designed by will which of his Children should succeed him. And Queen *Elizabeth* might have nominated either the King of *Scots*, or any other besides him for her Successor. Some may demand, what right she had to nominate,

or any other after her death to proclaim her Successor. One answer to this demand may be, That her wise Council did foresee, that this was an effectual, if not the only way to prevent greater mischiefs and effusion of blood, which in all probability might have followed, if this course had not been taken. And in an extraordinary case, some extraordinary thing, tending to the publick good, may lawfully be done. Yet this is not to be made an ordinary rule, and followed as an ordinary Example. A third way of acquisition is by election and consent of the people. Thus the first King, as the *Mirroure* tells us in expresse words, was elected. So were the *Saxon* Kings till *Edward* the Confessor, the last King of the *Saxon* Race. So was *William* the second, *Henry* the first, *Stephen*, *John*. The manner and form of the Coronation, which contains in a few words much of the Constitution, determines the Succession to be by Election. Those words of *Forrescue* to the Prince, *Non habes potestatem regiam, sed a populo effluxam*, imply so much. The Conqueror himself, who, as a Bastard could not inherit the Crown, confesseth, that he possessed not the Crown *Jure hereditario*. To this purpose the old book of *Caen* is alledged. These things are above me and out of my element, therefore to be judged of by the learned Antiquaries in Law. But suppose it be granted to be elective, yet it's elective in a certain line; for
such

such hath been the practice for a long time, which is conceived to be more convenient. Yet the Author of the *due Rights of the Kingdom*, saith, *That if a King had such Children so qualified, and so educated, that they were above others in virtue, wisdom, and true worth (or at least cæteris pares)* they were the most likely Candidates for the Crown.

But let the manner of acquiring this regal Power be either by and from the first investiture; or by inheritance, or by election, the second point, and the same of more importance is, to know what this power once acquired and possessed is. For the *Roman* Emperors acquired their power by election, and yet it was absolute, as is pretended and very great. And here I do not intend to say any thing of his excellent Dignity; his Scepter, Sword, Throne, Crown, Robe, Titles, the Honour due unto them; for these are not so material as the Prerogatives of the King of *England*. Prerogatives, saith Sir Roger Owen, are the Flowers, which by time immemorial the Commons of this Realm have granted the Kings thereof. If this be true, he hath no Prerogatives, but such as are granted him, and that by the Commons of *England*. But Judge Crook is no flatterer, he speaks plainly, and saith, he knows no Prerogatives the King hath but this, *that he cannot do wrong*. This may be understood either as it

Sect. 12.

agrees to all Sovereigns, or as to the Kings of *England* in a more special manner. It's true, that no Sovereign, though absolute and Despotical can do wrong. For, *Id quisque potest, quod jure potest*. The meaning is, they ought not to do wrong; for to do wrong is contrary to the Laws of God, whereby they hold their Crowns; and also to the very end, for which God instituted civil Government. Yet there is a more special reason why the Kings of *England* can do no wrong, because they are Kings by Law; they cannot bind by their personal commands, but by their Regal, which are not Regal, if not Legal. Again, he doth all things like an Infant in his minority by his Ministers of State, to whom he can grant no Power or Commission to act but according to Law. Therefore if any wrong be done, as much is, it's done by them, and they, not the King, are chargeable with it, and questionable for it. Yet he hath power, and great power, and it's not the less, but rather the greater and more like unto Gods, because it's limited by Law. He Summons Parliaments, makes Officers, confers Honours, sends and receives Embassadors, and gives them answer, makes Leagues with other States, and other things formerly mentioned, when I spake of the second kind of personal Majesty. Yet, if we may believe *Bracton*, he hath all this from the

Law. For *Lex facit Regem*, and he is but trusted with the exercise of it for the protection of the people, and the execution of the Laws: in which respect it seems to follow, that if the Law be above him, they who make the Laws must needs be above him.

But in the third place, though the King hath great power, yet there is some power in the Kingdom, which he hath not. For he cannot abolish Parliaments, he cannot refuse to call them, either when the Laws, or the *ardua Regni* require them, he cannot exercise the *Militia* but according to the Laws, neither can he make or repeal Laws without the Parliament; he cannot command the Purse, he cannot alienate the Crown or the Crown-Revenue, nor dispose of the Crown as his own hereditary Fee; divers other things there are above his power. Yet the Kings of *England* have challenged and exercised far greater power, than the Laws and Constitution gives them. But that was matter of fact and cannot found a Right. We read that King *Richard* the second was charged, as with other things, so with these two: 1. That he said the Laws were in his head and his breast: that is, he had the Legislative power solely to himself. 2. That he denied to approve the Laws made by the Parliament, that is, he challenged a negative Voice. In both these, *Arniseus* undertakes to maintain his cause as just, and that he did but challenge his

Sect. 13.

What the King cannot do.

his due. Lib, *de autoritate principum in populum semper inviolabili*, Cap. 4. Yet all his whole answer is but *petitio principii*. For presupposing the King of *England* to be an absolute Monarch, which we know he is not, he takes upon him to answer the whole charge, which he might easily do, if he take for granted, that which he can never prove, nor *English* Men, especially Antiquaries in Law, will never grant him; that he wrote against Rebellion and Treason, and maintained the just and lawful authority of Princes, he did well, but that he should write as a Pensioner to the King, and so presumptuously judge of the Constitution of a Foreign State, whereof he was sufficiently ignorant, we *English* Men cannot well brook. So *Bodin* being informed by *Dellus* (who I think, was Sir *Thomas Dale*, a prudent and experienced Statesman, and far better acquainted with the Government of his own Country than he was) that the Kings of *England* could not make or repeal a Law without, but only by the Parliament, he wondred, and notwithstanding his Information, he presumptuously determines the Kings of *England* to be absolute Monarchs. So much he doated upon his imperfect notion of Majesty and absolute Power. Mr. *Cambden*, though a learned Antiquary, yet not in the common Law, speaks doubtfully in this point, and doth not well, though perhaps prudently express himself. His words are, *Quod Rex habet*

habet supremam potestatem & merum imperium apud nos. Yet afterwards, speaking of our Courts, he gives to the Parliament the supreme and sacred power, in making, conferring, repealing and interpreting the Laws, and in all other things, which concern the good of the State. If he meant that the King had it jointly with the two Houses, it's tolerable; yet if so, 1. His former expression was not good. 2. Neither is that latter assertion of his, when he saith, the Parliament is summon'd *ad arbitrium Regis*, when the King pleaseth.

But let's go to the Parliament, where we Sect. 14. shall find the King again: and when we come there, we must consider, 1. What it is. 2. What power it hath. 3. What power it hath not. 1. To give a perfect definition of it is above my skill, neither is it within the sphere of my profession: ancient Parliament-men, and especially learned Antiquaries in the common Law know it best. Mr. *Cambden* gives a tolerable description of it. *It's a Representative of all England, invested with the highest power of Legislation, and all other acts that concern the common good.* This is the substance of the matter, though not given in his express terms. And here I will not say any thing of their Election, Incorporation, manner of proceeding after it's once constituted, and begins as a formal Parliament to act. Some have conceived it to be one of the most orderly

Parliament
best Assem-
bly.

derly Assemblies in the World, which is an argument of the great wisdom of our Ancestors, who first molded it, and brought it to perfection, yet it may be corrupted and ill constituted, and then *Corruptio optimi est pessima*. The Election

in our times is not well ordered; for if it were, the very quintessence of the wisdom and virtues of all *England* might be extracted, united, and act in that Con-

vention. But men are ready through want of understanding to undo them-

selves, by choosing insufficient and unworthy persons. The first constitution cer-

tainly required a qualification in the persons to be Elected. For we trust them much,

even with our Estates, Liberty, Lives and Religion for the outward profession. It's

not fit to trust these in the hands of any sort of Men, but such as shall be wise,

faithful, just and sincerely affecting the publick good. The *Saxon* name *Wittena*

Gemote implies this; for it signifies the meeting of wise men, and is the abridge-

ment of all the Folk-motes in *England*, and of the wisdom of all *England*: and now of all *England*, *Wales*, *Scotland*, *Ire-*

land. If they should be wise men, wisdom includes all virtues. If we consider this great body as distinct from the King, it's said to consist of two Houses; which some call the upper and the lower. This the Commons did not like, did not acknowledge. The two Houses;

or

Parliament
Members
qualified.

Wittena
Gemote.

or the House of Commons, and the House of Peers may be tolerable : and I do not know they ever excepted against the expressions. Many ungrateful and unworthy persons , to their own wrong and prejudice, have much depressed the House of Commons, and are not ashamed to say, such is their ignorance, that it is but of late standing. Yet it's the chief part, and almost the whole Representative : the Peers to them are but inconsiderable. Whatsoever is concluded there doth most concern them , and the heaviest burden lies on them. And though by Commons, some may understand only the *Plebeian* Rank, yet there we find in that House men of as good Birth, Estates, and as eminent virtues, as many of the Lords be. What the House of Commons is may be more easily known, but the nature of the House of Lords is somewhat hidden. For in it we find Lords Spiritual, as Abbots, Bishops, and these by Tenure ; we find in it also Lords Temporal, as Dukes, Marquesses, Earls, Viscounts, Barons. And all these under the name of Lords, Peers, Barons, though *Barones*, *Proceres*, *Nobiles*, do sometimes signifie other persons. For we read of the Barons of the Cinque-ports, Barons of the Exchequer , the eight Barons of *Cheshire*, and the Barons of *Burford* in *Shropshire*. We find Peers sometimes taken in another sence : and to include the Commons. And the truth is,

What the House of Commons is.

if

if the whole assembly be considered as one Representative, they are all Peers, and in all acts should be taken so to be. These Peers become such three ways, as I observed in my answer to Mr. *Hobb's*. For they are *ant Fædales*, *ant rescriptitii*, *ant diplomatici*, Barons by Tenure and ancient prescription since the time of *William* the Elder, or by Writ, or by Patent. It is not for me to debate, much less to determine the Controversies about these Lords, as, 1. Whether they be essential parts in a distinct House from the Commons of the Parliament, or no: seeing Acts and Ordinances, and the same valid, are said to be made without these Lords. not any by the Lords without the Commons. 2. What these Lords may do, or for what end they are called. For some say, they sit there as Judges of the King together with the Commons. For though the King in his Politick capacity cannot do wrong, yet in his Personal he may. This *Horne* and *Bracton*, with other of the old Lawyers, will tell us: in whom we may read of the Torts and wrongs done by the King, and of judging him, as also the Queen and the Prince. 3. Seeing by the Writ of Summons they are called to deliberate and consult, *Consilium impensuri*, not *ad faciendum & consentiendum*, as the Commons are, whether they be there only as the King's Counsellors. 4. Suppose them to be the King's

The End
of calling
the House
of Lords.

King's Counsellors, whether they be such without or with the Commons. 5. Whether they have any share in the Legislative power, or if they have, whether in the same House, or in a distinct House and Body with a negative to the Commons, or not. 6. When this transmitting of Bills to the House of Lords began, which some say, to be after the Barons Wars. For it was not so from the beginning. 7. Whether the Lords and not the Commons have power to administer an Oath. We read in Sir *H. Spelman's Glossary*, in the word *Baro*, that no Barons were called to the Parliament, but such as held of the King *in Capite*. 2. That all these were not called, but the chief of them, as Earls who possessed twenty Knights Fees, and Barons which had to the value of thirteen Knights Fees, and a third part of one. 3. That because these were too many, some of them were called to Parliament, some omitted: and only such as were counted Barons, the rest not. 4. This being taken ill, the Barons caused King *John adigere*, to covenant under the Broad Seal, to summon severally by so many Writs, the Arch-Bishops, Abbots, Earls, and the greater Barons of the Kingdom. 5. Yet *Henry* the Third so little regarded that compact, that he called and kept a Parliament, with an hundred and twenty Spiritual, and only twenty five Temporal Lords; though he had numbred two hundred and fifty

What Barons called to Parliament.

fifty Baronies in *England*. 6. *Edward* the First omitted divers of those, whom *Henry* the Third had summoned. So that it will be a very difficult thing to rectifie or reduce unto the first institution this House, as distinct from that of the Commons. For it should be known, 1. What kind of persons must constitute this other House. 2. What their Priviledges be. 3. What they must do, which the House of Commons may not, must not do.

Sect. 15.
Power of
Parliament
without
the King.

By all this, something of the nature of the Parliament may be known. But then what is the power of this assembly, either severally considered without the King, or jointly with the King? And that they may make Orders and Ordinances *pro tempore* will be granted, and also, which is far more, if the King have no Negative voice, the Legislative and Judicial power is in them, and their ultimate Resolves and Dictates in all matters of Counsel must stand. And if so, then reason will conclude; that if the King refuse to be personally or virtually present, and to act with them, they may do any thing for the good of the Kingdom without him, which they may do jointly with him. Yet because Laws and Judgment are ineffectual without execution; therefore the King, being trusted with the execution, was required to give his consent, that he might take care of the Execution. For to that end was he trusted with the Sword.

why Kings
Consent re-
quired.

of Justice and War; that he might protect the people, and see that Laws and Judgments be executed. If we consider the Parliament as consisting of King, Peers and Commons jointly, it is the first subject of Personal Majesty, and to it, and it alone belongs all the *Jura Majestatis personalis*. They have the power Legislative, Judicial, Executive, to exercise it in the highest degree; and may perform all acts of administration as distinct from the Constitution. They are the highest assembly for Legislation, the highest Counsel for advice, the highest Court for Judicature.

First subject of Personal Majesty.

This is the power of the Parliament, which can do many and great things, yet some things they cannot do: for they are limited not only by the Laws of God, but also by the Laws of the Constitution.

Seet. 164

Sir Roger Owen tells, That the Parliament cannot do all things. For, 1. Many Acts are Voted for errors in matter of fact, and for contrariety in words; and sometimes they have idle and flattering proviso's. 2. A Parliament hath not power to ordain that a Law shall not be abrogated for the space of twenty years, for a latter Parliament may repeal their Acts. 3. That a Parliament cannot Enact, that, if there were no Heir to the Crown, that the people should not be able to chuse a new King. 4. It cannot change the form of our Policy from a Monarchy to a Democracy.

What the Parliament cannot do.

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mocracy.

mocracy. 5. It cannot take away divers Prerogatives annexed to the Crown of *England*, or that the King should not be able to dissolve the Parliament at will and pleasure ; yet in another place he tells us, that he cannot dissolve the Parliament at will and pleasure ; and again, he is not above the Parliament, because he cannot be above himself ; and in Parliament he is *Maxime Rex*. He further informs us, that the common Law is the King's Inheritance, and how the Parliament may wither away the Flowers of the Crown. The true reason, why the Parliament cannot do some of these things, nor others not mentioned by him, is, because they have not real but personal Majesty. They cannot alter the Government, nor take away divers things belonging to the Crown, because they did not give the Prerogatives of the Crown at the first ; the Commons of the Realm gave them, as he confesseth. The form of Government was first constituted by the Community of *England*, not by the Parliament. For the Community and people of *England* gave both King and Parliament their being : and if they meddle with the Constitution to alter it, they destroy themselves, because they destroy that whereby they subsist. The Community indeed may give a Parliament this power, to take away the former Constitution, and to frame and model another, but then they cannot do this as a Parliament, but as trusted by the people for such

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such a business and work : nay, they may appoint another assembly of fewer or more to do such a work without them. They may set up a *Consilium sapientum*, which may determine what matters are fit to be proposed to the Parliament, and in what order, and also contrive a *Juncto* for all businesses, which require expedition and secrecy, which may act without them : whether the Parliament it self can do such things or no, may justly be doubted? What may be done in extraordinary cases is one thing, what may be done in an ordinary way another. When he saith, that the Parliament cannot change the form of Policy from a Monarchy, he presupposeth our State of *England* to be a Monarchy, yet if he distinguish not between the Constitution and the administration, he may be guilty of an error. For it's not a Monarchy, but only in respect of the Executive part in the Intervals of Parliaments. Our Ancestors abhorred absolute and arbitrary Monarchs : therefore before they did establish a King, they made a bridle to keep him in, and put it upon him. This is plain from *Bracton*, *Fortescue*, the Coronation Oath, and the *Mirror*.

From all this we may conjecture what the Constitution of *England* was. It was no absolute Monarchy, that's plain enough. Neither was it a State of pure disposition but mixt. Neither were the *Jura Majestatis* divided, some to the King, some to

Sect. 17.
Kings of
England no
absolute
Monarchs.

the Lords, some to the Commons, it was of a far better mould. The personal Majesty primary was in King, Peers and Commons jointly : in the whole assembly as one body. this may appear several ways. as 1. From this, that it was a Representative of the whole Nation, and as it was a general Representative of all *England* and no ways else, was it invested with this personal Sovereignty. It must represent the whole Community, all the Members thereof, of what rank or condition soever, not only the Laity but the Clergy too: these are words used in our Laws, and good enough, though disliked by many. The Clergy and Ministry of *England* were never represented by the Knights of the Counties before our times: neither could the Parliament, without the personal presence of some of themselves impose Subsidies, much less Ecclesiastical Canons upon them. They are as free English men as any other, and by the Laws of the Land have their privileges and immunities distinct from those of other mens, which are now taken from them: and it's an hard case that they may have none of their own faculty and capacity, as their proper Representatives to maintain them and speak reason for them. They are willing enough to part with any thing formerly they had, if not agreeable to Scripture.

2. To prove this mixture, the King's Coronation Oath might be alledged: for he swears.

swears to corroborate the just Laws and Customs, *quas vulgus elegerit*, where two words require some explication. 1. *Vulgus*. 2. *Corroborare*. That we may know what they mean. *Vulgus* some think doth signifie the Commons, and then the Lords, as of a distinct House, can have no share in the Legislation, except as some tell us they were represented by the Knights of the Counties, whom with the rest of the Free-Holders they did anciently elect, and contribute to their Charges whilst they sat in Parliament. *Vulgus* in Latin is the same that *Folk* in *Saxon*, and now remains in English; from whence *Folk-mote* the City or Shire-meeting, as the Parliament is the great meeting of all the Counties in *England*. In this place it must be the Representative of the whole Community of *England* in one body, all the members of the *Wittena Gemote*, as united, and distinct from the King. The word *Corroborare* doth not signifie to give the essence to the Law, as though it were not a Law before, or not a Custom; but it signifies to guard, keep, defend, observe the just Laws and Customs in the administration, and to see them executed according to judgment. It may be the same with *κυρωω* in Greek; which doth not give the being to a Will and Testament, for it must be a Will before it be confirmed and so made effectual; Confirmation is extrinsecal and accidental, not

essential to the Will or Testament. The reason why the Kings did swear to corroborate the just Laws and Customs made, approved, chosen by the people, was because that upon the dissolution of the Parliament, the sword remained in his hands for to see the Laws executed, which were ineffectual, would lie dead, be in vain without execution. These words explained, the matter to be observed is, that if by Laws and Customs we understand the rules of administration, not only as including a binding force, but also as to be made effectual, then it follows by the tenour of that Oath, that the Legislative power, which is the foundation and rule of all acts of administration, was in King, Peers and Commons jointly: this is a mixture, and a free State. 3. This mixture will farther appear from the manner of enacting for that was the manner in our days. *Be it therefore enacted by the King's most excellent Majesty, by and with the assent and consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by authority of the same.* Neither is this new; for the substance of it is ancient, as Sir Edward Coke doth manifest in the cause of the Prince, as Duke of Cornwall. The Collection of the Statutes will manifest it for four hundred years. For what if other terms were used, yet they were in sense the same. Neither did this begin in the
Reign

Reign of *Richard* the Second, or *Henry* the Third. King *Edward* the Confessor's *Modus tenendi Parliamentum* will confirm the same, to which my Lord Chief Justice *Coke* tells us, the Conqueror bound himself. Though Sir *Roger Owen* thinks this book but a Pamphlet, yet my Lord *Coke*, as good a Lawyer, and Sir *Henry Spelman* as good an Antiquary as he, were of another mind, and thought better of it. Nay, it's not only thus in making Laws, but also in judgments which pass into an act. And this kind of Judgment is the highest, from which there lies no appeal. This is the nature of the Constitution so far as my poor understanding is able to judge.

It remains, I add something of our Sect. 18. present condition since the times of our sad divisions. After a long continued peace, the light of the glorious Gospel, many blessings and great deliverances from Heaven; such was our unthankfulness, so great the corruptions of Church and State, that when God expected better fruits, our sins were ripe for vengeance; so that some fearful judgment, if not the ruine of the three Nations, did seem to approach; or rather to be fatal and unavoidable. And some of our Teachers and Watchmen, seriously considering the eternal rules of providence and divine proceedings with the World in former times, and knowing our pre-
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sent distempers, did foresee this, and gave us warning from those words of our Saviour, *Except ye repent, ye shall all likewise perish*, Luke 13. 3. Yet no warning given either by our watchmen from the Scriptures, or the judgments of God upon *Germany* and the neighbour Nations round about us, whom from our own shores we might behold wallowing in their own blood, would be taken. And even then when there was no danger from any enemy without, and we were secure, as enjoying the sweetest and most happy peace that could be expected on earth; God looked down from Heaven with indignation, and as though he had sworn to be avenged on such a Nation, and so ungrateful a people, he sent a spirit of giddiness amongst us, and set the *Egyptians* against the *Egyptians*, and made us Executioners of his own Judgment upon our selves: for from our selves our miseries did arise. For after a first and second pacification between *England* and *Scotland*, the long continued Parliament began to reform both Church and State, but found the corruptions so generally diffused and deeply rooted in the whole body, that there was a greater fear of ruin, than hope of Reformation; and this some of our wise Statists had formerly observed, was likely to be the issue. They acted vigorously at the first, but, as some wise men thought, too hastily and too high, and seemed some-

somewhat to encline to an extreme. In the mean time no man suspecting, no man fearing it, brake out that bloody barbarous massacre in *Ireland*, wherein two hundred thousand English Protestants are said to be murdered in one month. In this the actors were Irish Papiists, and the sufferers English Protestants. This could not quench the fire of dissention in *England*, which began to manifest it self in the Parliaments Militia opposed to the King's Array, which proceeded to a bloody battel at or near *Keinton*; which continued till the King's party was wholly subdued in *England*, himself put to death, his posterity dispossessed of the Crown, *Ireland* reduced with the ruin of almost all the chief and ancient Families of the same, and *Scotland* vanquished. In all our sad divisions which happened from first to last, and are not wholly yet ended to this day. Two things are worthy the serious consideration of wiser men, than I am.

1. What party for time past hath been most faithful to the English interest.
 2. What course is to be taken for to settle us more firmly for time to come.
- For the first we must understand what the English interest is. The interest of *England* is twofold, Civil and Ecclesiastical: for we are English men and Christians. The Civil interest is *salus populi Anglicani*, there is no doubt of that, for the peace, safety, liberty, happiness of our dear Country is

What observable in our sad Divisions.

is the end, whereat we are all bound both by the written and natural Laws of God to aim. The interest Ecclesiastical is the Protestant Religion and the preservation of the substance thereof. *Prelacy, Presbytery, Independency*, much less *Antipædobaptism* and other Sects, are not essential, but accidental to it. This being the interest of *England*, we cannot judge of the faithfulness either of the King's or Parliaments party by the quality of the persons of either side. For there were both good and bad on both sides, who had their several grounds of adhering to this or that party, and their several ends: and neither their grounds nor ends good. Nor can any man justify all proceedings and actings of either side both had their errors. Nor must we judge of them according to their protestation, for both could not by such contrary means attain the same end; as both sides protested to maintain, the King, the Parliament, the liberty of the Subject, the Laws and the Protestant Religion. Neither in this particular must the Laws of the English Constitution and Administration be the rule: for both acted not only above the Laws, but contrary to the latter of them at least. For no Laws could warrant the Parliament to act without the King, or the King without the Parliament: much less was it justifiable that there should be in one Kingdom two, not only different,

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ferent, but contrary commands supreme, and from different heads and persons. This was directly against the very nature of all Common-Wealths, which have only one first mover, and one indivisible supreme power to animate and act them.

The Rule therefore must be the Laws Sect. 19.
of God as above the Laws of Men, and we must consider according to these divine Rules, what was the state of the Controversie, the justice and equity of the cause made evident, and the just necessity of doing that which was done. Neither must we look at the cause only, as just in it self, but also how it's justly or unjustly maintained. For men may use such means as shall never reach the just end intended, but also such as may be destructive of the cause it self, and raze the very foundation of it. Besides all this, before a perfect judgment can be made, the secret counsels, contrivances, designs, hidden actings of the chief Actors should be known, yet these many times lie hid and are not known, or if known, yet to very few, and some of these few cannot sound the bottom. Many things are charged upon the King, as acting against the English interest as Civil, as that he dissolves Parliaments without just and sufficient cause; that he intermits Parliaments for sixteen years together; that having signed the Petition of Right, he
acts

What charged on the King.

acts contrary to it, imposeth Ship-money, calls a Parliament, signs the Act of Continuance, deserts it, calls the Members from it, calls another Parliament at *Oxford*, challengeth a negative Voice to both the Houses, raiseth a War against it, though he was informed, that this tended to the dissolution of the Government, that whosoever should serve to assist him in such Wars, are Traitors by the fundamental Laws of this Kingdom, and have been so adjudged in two Acts of Parliament, 11 *Richard 2.* and 1 *Henry 4.* And that such persons ought to suffer as Traitors. These with other particulars charged upon him, seem directly contrary unto the civil Interest of the Kingdom. Again, to Marry a Popish Lady, upon Articles directly contrary to the Laws of *England*, and the Protestant Religion established by Law, to entertain Twenty eight Popish Priests with a Bishop, to tolerate Mass in the Court, to receive Three Agents from the Pope one after another, *Pisano, Con, Rosetti*, to maintain the Queen-mother, to engage the generality of the People of *England*, to retard the relieving of *Ireland*, to admit divers of the Popish *Irish* Murtherers and Rebels into his Army, to call our *English* Forces, sent to relieve the poor distressed Protestants of *Ireland*, out of that Nation, and employ them against the Parliament of *England*, to suffer some of the Heads of the *Irish* Rebels to be

so near his Person, to endeavour to bring in the Duke of *Lorrain* with his Forces into this Nation, to contract with the *Irish* Rebels upon condition to enjoy their Religion, to furnish him with Ten thousand *Irish* Rebels, to strengthen his party in *England*, with divers other acts, like unto these, is conceived to be, not only inconsistent with, but plainly destructive of the *English* Protestant Interest. And if this be true, it must needs be so. Yet it might be said, that the King endeavoured to maintain his own regal Power, the Episcopacy and Liturgy established by Law, and that he did not oppose the Parliament, but a seditious party in the Parliament and other Sectaries, whose principles were destructive both of all civil and also Ecclesiastical Government; and without the judgment of able Lawyers and learned Divines, he did not undertake the War, either against *Scotland* or *England*, or any other. It's true, that of those who adhered to the King, and liked not the Parliaments proceeding, there were some consciencious persons, who judged the King an absolute Monarch, and did not like many things done by that party, yet they thought it the Duty of Subjects to suffer, and that it was no ways lawful to resist. But the Casuists say, That *Ignorantia excusat a tanto non a toto*, their Ignorance might make their Crime

Crime less, yet no ways free them from all Guilt. It was not Invincible ; they might easily have known that the King of *England* was no absolute Monarch, seeing he could not impose any Subsidy upon the Subject, nor make or repeal a Law without the Parliament ; neither could he by his Letters or personal Command revoke the Judgment of any Court. And though they might be Civilians, or read Foreign Writers, which take our Kings for absolute Sovereigns, yet no ancient Lawyers, no Parliaments did declare them to be such. Nay, they might have known, that they themselves, obeying the King's personal Commands, disobeyed him as King, and that serving him in the Wars, they were guilty of High Treason against the Kingdom, and against the King's Crown and Dignity. Of these Royalists, some have been high and cruel against their Brethren the Parliamenteers, and have censured them, and do yet condemn them both in Words and Writings, as guilty of most horrible Treason and Rebellion, which others will undertake to prove the censurers themselves deeply guilty of. Wise and learned Men, no whit inferior to them, do certainly know, that as they could not maintain their cause by dint of Sword, so neither can they make it good by dint of Argument. One of their learned Casuists delivers this as a positive truth ;

truth ; “ That to disobey a lawful Sovereign is such an act, as that no circumstances can make it lawful, no not the Glory of God, nor the saving of many Souls, nor preventing the Ruine of a Nation. This is high. Divers, who read this in his Books, conceive, that in this he toucheth the Cause and Controversie between King and Parliament : I cannot charge him with any such thing. But let his Application be what it will, I will consider his Proposition in it self, and will suppose it to be grounded upon that divine *Maxime*, We must not do evil that good may come. For that which God hath made sin, nothing can make lawful. But then the Question is, What he means by Sovereign, what by disobedience to a lawful Sovereign ? If he mean by Sovereign one invested with supream Power, and an absolute Monarch, it's clear enough the Kings of *England* were not such. For, 1. They had no Legislative Power, which is the greatest without this Parliament. 2. That his personal Commands bound no Man : for he could command nothing but according to the just Laws and Customs, *quas vulgus elegerat*. 3. The late King himself, in his Answer to the Nineteen Propositions, confessed, That the Parliament had a share in the Legislative Power. It's true, they had the Title of Sovereign and Majesty, but in another sence than many take it.

Disobedi-
ence to
King un-
lawful.

As for the second Term, *Disobedience*, it might be twofold: 1. In respect of absolute Sovereigns. 2. In respect of the Kings of *England*. In respect of the former, a lawful Sovereign may command unlawful things, and contrary to the Laws of God; and in this case, their Commands may, nay, must be disobeyed. 1. If they command things lawful in themselves, yet they may command them so as to be unlawful. A man is bound to love Father and Mother by the Law of God, and to do so is not only lawful but necessary. Yet if this love come in competition with the love of Christ, it's plainly unlawful. Therefore I will be so charitable as to think, he understood the proposition of disobedience to lawful Commands of lawful Sovereigns, otherwise he saith nothing, but his proposition is false. 2. In respect of the Kings of *England*, their Commands are personal or legal: His legal Commands, if agreeable to the Laws of God, ought to be obeyed, and his Subjects are bound to submit unto his legal Power; for other Power, as King, he hath none. But as for his personal Commands, they bind no Subject, as a Subject; and if they be contrary to the Law, in obeying them, we may be guilty of Disobedience to the Law; nay of Disobedience to the King, as King; nay, guilty of Treason against the Kingdom, and the Kings Crown and Dignity. And methinks such learned Men should not be ignorant of these things.

As for the Parliament, it was charged with taking upon them the Militia, seising upon the Navy, securing the Ports; making of a new Broad Seal, creating of Officers; abolishing of Episcopacy and Liturgy established by Law, by which they lost many of their Subjects, calling in the Scots, proposing a Covenant to the people upon high terms, and many other things, and all these without the King, nay contrary to the King's Command, who had so graciously condescended unto them, in granting many things unto them prejudicial, as he thought, to his Prerogatives and the ancient Rights of his Predecessours, especially the Acts of continuance and of the Triennial Parliament.

Sect. 20.
Parliament
accused.

acquitted.

1. For the Militia, it was alledged, The King promised it, and the Lawyers and learned Counsel informed them, That if the King in such a time should neglect it, they might take it, and exercise it themselves without him; and it's reported, that the very same parties, who had given this Advise to the Parliament, after they were come unto the King, did counsel him to set on foot the Commission of Array in opposition to the Parliament's Militia.

2. For seizing the Navy, Ports, and creating of Officers, in a Declaration of the Lords and Commons upon the Treaty at Oxford, is shewed the necessity of doing so, and the antiquity of that practice:

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for they instance in many Parliaments, which have done the like and more too. It was no new thing. And though his Majesty affirmed these things were his by Law, yet it was not his but by way of trust, for the defence, not the destruction of the Kingdom.

3. For the Broad Seal, there was a necessity of making a new one, seeing that the former was surreptitiously against Law and Right, carried and conveyed away. Neither had the King, as separate and divided from the Parliament, any right unto it.

4. The abolishing of Episcopacy and Liturgy, is conceived, might be justly charged upon the *Scots*, who when the King and so many great Ones had deserted the Parliament, would not firmly adhere unto them, but upon such terms. Otherwise the reformation of Bishops and Book of Common-prayer was far more for the Protestant interest than *Presbytery*, which was rather inconsistent with it.

5. The calling of the *Scots* was said to be done in extremity, and grounded upon the National League, according to which they were bound of themselves to have assisted the Parliament, as some thought and judged.

6. The Covenant is said to be more from the *Scot* than the *English*: and what the design of the first Contrivers in it might be, was known to few who took it. It proved to be of bad consequence (whether

ther in respect of the nature of the Covenant, or some other cause may be doubted) for the Parliament of *Scotland* thought it a sufficient ground for Duke *Hambleton* to invade *England*, and the English House of Commons judged them Rebels and Traitors, who should joyn with him or assist. Such is the frailty, inconstancy and pravity of men.

7. As for the high demands of the Parliament, it's alledged, No King ever did such things, or gave occasion to make such demands, and he did but grant that which was reasonable, and necessary for the time, and less than former Laws required; so that except, as separated from the Parliament, he was an absolute Monarch, his denial of their demands was not consistent with the Constitution of the Kingdom.

But after that the Royal party was to- Sect. 21.
tally subdued, there falls out a subdivision amongst the Anti-Royalists. For they who could agree against a third Party, could not agree amongst themselves. For they began to play Scotch and English first, and then the *Presbyterian* (who much, though not in all things inclined to the Scot) and the *Independent* began to clash. So the state of the controverſie seemed to be altered. For both these Parties at the first professed themselves enemies only to Popery and arbitrary Government, which *The cause*
all true English Protestants were bound to *change*.

oppose, and by the Laws of the Land might justly do it. But neither *Presbytery* nor *Independency* could be for our true interest, but rather against it. The truth is, they were not unanimously resolved what they should build up, though they agreed well enough in pulling down. And surely it's not wisdom to pull down and raze to the ground an old House, which being repaired might serve the turn, before they had a new one, and the same better, ready to set up, or rather finished to their hands. Yet this was not all the difference between the Parties: but after the Conquest of *Hambleton*, and all the Royal party rising and ready to joyn with him, yet some of them, who were real and cordial, and did really joyn together, laying aside for the time the difference of *Presbytery* and *Independency* in subduing the Adversary, were willing to joyn with the King upon certain terms in the Isle of *Wight*. They thought that such an agreement, if it might be made, was the only way to settle us in peace. Others conceived, that such an agreement, if once made, was destructive of all former deligns and proceedings: and that if the King was guilty of so much blood, and other crying sins, as the Parliament, and especially the Kirk of *Scotland* had charged them withal, then to agree with him, was to destroy the English interest, and bring innocent blood upon themselves and the Nation. Therefore
in

*Treaty at
the Isle of
Wight.*

in an order for a solemn Thanksgiving made by the Kirk, one particular mercy to be remembred in that Service, was, that the Treaty with the King in the Isle of *Wight* did not take effect. From this fearful guilt, if justly-charged upon the King and his party, some would dare to conclude, That they who attempted to make an agreement with the Enemy so guilty, could not be so faithful as those, who refused all such reconciliation, and endeavoured to take away all causes of future danger. Yet if these latter, after a full and final ruine of the malignant party, as they called them, should not proceed impartially to reduce the Government to the primitive Constitution, and labour to settle the Protestant Religion for the substance, and the good Laws of the Commonwealth, they might prove more faithful in destroying, than in building and laying the Foundation of our future happiness. For to pull down one arbitrary Power to erect another, and neglecting the substance of the Protestant Religion, to protect Sectaries, and erect new models of their own brain, can be no act of fidelity. I will not enter upon particulars, nor reflect upon any person or persons: for my intelligence is not so perfect, as to know the secret designs and hidden motions of several parties; which if I did know, I might the better regulate mine own judgment in this point, though I

could not satisfy others. Therefore I will leave all to the judgment of the Eternal God, and pray for future peace, and humbly request him for to bless and prosper all such as with an upright heart have endeavoured, and do still labour to establish a wise and just Government. And I further desire all those, whom God hath preserved and blessed with great success, to make a right use of God's mercies, lest in the end they suffer the same or like judgments, as God by them hath executed upon others for their sins. Though it be material to know who have been most faithful, and by whose means under God for the present we enjoy peace and the Gospel, yet it may be of more moment, and also more useful, to take notice of the errors, mistakes and miscarriages both of Parliament and Army from first to last. For by the knowledge hereof we gain some advantage, and wise men may easily understand how to avoid the like, and to prevent such miseries for time to come as we have suffered in time past.

2. To observe God's proceedings, and the order which he hath observed in all our confusions, and the end, whereat he aims, and the duties he expects after so many judgments executed.

3. To consider what Families and persons God hath punished in these sad times, and for what sins: and if we after so great success fall into the same sins, we must expect the like punishments.

4. Not

4. Not to mention the great alterations in the Dominions of *Spain, Turkey, China* of late days, let's consider in brief the strange works and proceedings of the Almighty with us in this corner of the world. To this end, let us take a short view of the Wars. 2. The Parliaments. 3. The King. 4. The Civil Government. 5. The Church. 6. Our present condition.

The strange works of God among us.

1. The Wars are Civil or Foreign: Civil in *England, Ireland, Scotland*. The Royal Standard of *England* marcheth into *Scotland*, where an Army is ready to oppose. Yet no blow given; no blood shed. After this, we see two potent Armies in *England*, and only a little skirmish at the first, a pacification is made, the National League concluded, both the Armies disbanded. But after this, no man fearing it, a bloody massacre of two hundred thousand in the space of one month, besides many thousand slain and butchered, afterwards begins the Tragedy in *Ireland*; Forces are sent to revenge that blood, and thousands of the bloody *Irish* are sacrificed to expiate the former murders. At length a Civil War is commenced in *England*, the same very bloody, continues long, many thousands are slain, the Sword rageth in every corner, the cry goes up to Heaven. The Parliament desiring not only to defend it self, but to relieve bleeding *Ireland*, is brought very low, is ready to submit, calls in the Scot, recovers, prevails,

vails, beats the King's party in the field, reduceth all their Garrisons, and obtains a total Victory in *England*. *Ireland* almost lost is recovered again, first in field-battel, then by reducing all their Garrisons. And in that Kingdom from first to last, millions are slain, the ancient great Families cut off, and the Land for the greatest part made desolate; which was a dreadful judgment of the most just Judge of Heaven and Earth. *Scotland*, where the fire began to smoke at first, scaped long, at last felt the bottoms and cruelty of a bloody War managed against them by *Montross*, who at first was one of their Covenantiers. Yet this fire is quenched. They invade *England* twice, and are twice scornfully foiled and shattered to pieces in *England*, and at length wholly subdued by our English Forces in *Scotland*, and remain subject to our Power to this very day. Never so many fearful Judgments executed, never so many bloody Wars in so short a time can we read of in all our former Histories. Before these Wars are ended, they beat the *Netherlanders*, the most potent people by Sea in the World.

2. Parliaments, which are the great Bulwark of the Kingdom, had been intermitted for sixteen years; at length, when no man did expect, one is called, but suddenly dissolved. Yet the *Scots* entred with a puissant Army into the Kingdom, made a necessity of calling a second, which is
summon-

summoned, confirmed by an act of continuance, acts high, makes great demands, continues long. Yet it's deserted by the King and many of the Members, opposed by an Army, defends it self, undertakes the King in *England, Scotland, Ireland*. It makes a new broad Seal, having formerly seized upon the Navy and the Ports, recruits it self by new Elections. Then they fall out with the Army; after that they are divided amongst themselves. In the end follows the seclusion of many of the Members, and the remnant act, and by the Army and the Navy doth great things, but at last even this remnant by this Army is totally routed and dissolved. This is that long-sitting Parliament, which some say, might have been good Physick, but proved bad Diet. Never Parliament of *England* varied more, never any more opposed; never any suffered more, never any acted higher, never any effected greater things. It made an end of Kings, and new model'd the Government.

3. The King deserting the Parliament, set up his Royal Standard, and is opposed, fought, beaten, finally and totally conquered, delivered by the *Scots* into the Parliaments hands, is confined, secured as a guilty person, tried, judged, condemned to death, executed. His Family and Children banished, and disinherited of the Crown, wander in foreign Countries, and many great Ones suffered and fell with him.

him. Many foreign States stood amazed, when they saw the potent Prince and Monarch of three Kingdoms, reigning in greater power and splendour than ever any of his Predecessours, cast down so suddenly from the height of his excellency, laid in the dust, and brought to nothing.

4. The Civil Government was much changed from the primitive Constitution, neither could the Petition of Right help much, because the King and Ministers of State would not observe it, but acted contrary unto it. So that it was arrived almost at the height of an absolute Monarchy. But as the winding of a string too high is the breaking of it, so it fell out with Monarchy. 1. The Parliament first require an explication of that Act for Liberty, afterwards limit the Regal Power, curb it, assume it, exercise it, and in the end take it wholly away. Some indeed of the Lords and Commons declare, That they had no intention to change the fundamental Government, by King, Peers and Commons, and perhaps really intended what they spake, yet they could not perform: for that very frame was taken asunder and abolished. Upon which followed three several models one after another. The 1. By the act of alteration. The 2. By the new instrument. The 3. and last by the humble petition of advice, and yet we are not well settled. So difficult it is after that a Constitution is once dissolved,

to establish a new frame. So that it may be truly said, that never King acted so much against a Parliament, never Parliament prevailed so much against a King. Some were for the State of *Venice*: and that form of Government as the most perfect model for *England*. Some intend levelling; some did judge it best, that the General should have continued onely General for a while, and to head onely the godly party: a strange fancy and conceit.

5. As for the Church, many of the English began to look towards *Rome*, many came home unto the Church and turned Papists. Innovations were daily made in Doctrine and Discipline, and Prelacy seemed to advance with the Royal Power. But this great Parliament puts a stay to all; begins to reform, and in reforming incline to an extream. They take away Episcopacy Root and Branch, abrogate the Liturgy, make some alterations in the Doctrine; compose a new Confession of Faith, a Directory for worship, and begin to settle a *Presbyterian* Discipline. Yet that in the very rise was opposed by the Dissenting Brethren, and never could be fully and universally so imposed, as to be received. Hereupon, contrary to promise, the Golden Reins of Discipline were loosed, a general Liberty taken, and swarms of Sects appear, profess, and Separate. Errors, Heresies, Blasphemies do almost darken this Church, and overspread the same. Never
from

from the first receiving of Christianity in this Nation, was there so great a change in Religion known to be made in so short a time.

6. Yet, after all these bloody Wars, and greatest Alterations, in Church and State, the substance of the Protestant Religion continues; the Universities stand, Schools remain, Learning flourisheth, Sabbaths are observed, Ministers maintain'd; never better Sermons, never better Books. The Orthodox Christian is confirmed. Matters in Religion are not so much taken upon trust and tradition, as formerly. Arts and Languages advance, the light of the Gospel shines. The Laws abide in force, Justice is administred, peace enjoyed, the Protestant Interest in forraign parts maintain'd. *England* is become a warlike Nation, furnished with gallant Men both by Sea and Land, is courted by great Princes, is a terrour to our Enemies, a protection to our Friends: and if we could agree amongst our selves, it is an happy Nation. Yet all this is from the wonderful wisdom of our God, who knows how to bring Light out of darkness, good out of Evil, and from his Exceeding mercy: who hath heard the Prayers of a remnant of his people in behalf of this Nation, to which he intends good, if our sins do not hinder. And for my part I will not cease to Honour, and to pray for such; as from their hearts have endeavoured our good, and especially for such, which God hath

hath made so eminently instrumental for our present happiness. Such as are trusted with great power, and employed in great business, are many times perplexed with great difficulties, and especially in distracted times. And if they do something amiss, we should not harshly Censure, much less envy them, but rather pity them and pray for them: and remember our own frailty, and that if we had been in their place, we might have done worse.

But to draw unto a Conclusion of this long Chapter, and not to offend the Reader; let's consider what may be done to finish and perfect any thing begun tending to our settlement. Far be it from me to presume to prescribe any thing to wiser men, who have seriously considered of this very thing already. Yet I may be bold to deliver mine own Opinion with humble submission to my betters: and if I err, I may have the greater hope of pardon, because I shall speak as one unbiassed, and aiming with a sincere heart at the publick good of the English Church and State, which, though fearfully shaken and shattered, are not yet destroyed. And 1. This is certain, that there are but two reasons of our unsettlement:

*Sect. 22.
What may
be the best
way of
settlement.*

1. Ignorance.

2. Wilfulness.

For we either know not how to settle, and what the best means are, which most effectually conduce to that end. Or else we are wilfully

wilfully divided, and no way will serve the turn but our own. The first is the cause of our difference in Judgement, the second of our disaffection: and without an unity of the whole, or at least of the major part, the business will hardly be effected. For, we are not in any immediate capacity of a general Unity, till time hath wasted and consumed some of our divisions, and also the bitter enmity and rancour, which continues in the Spirits of many to this day. Therefore our settlement must begin in generals, and necessities, and proceed by degrees. 2. The Foundation to be laid, is, first to find out the ancient Constitution before it was corrupted too much, and understand the great Wisdom of our Ancestors, gained by long experience in the constitution of this our State. This may be done by some experienced Statesmen, and Antiquaries in Law, and that as well, if not better out of Parliament, than in Parliament. For a Parliament it self must have some Foundation and certain Rule of their very being, before they can act steadily and regularly, and not spend their time of every several Parliament in molding their Government a new. It's a vain and presumptuous imagination, to think that we have attained to a greater measure of Wisdom than our Ancestors attained unto. And let us not undo what is already done, if it be consistent with the best model. 3. Let no man think that
the

the publick interest, either Ecclesiastical or Civil, of *England*, is the interest of any one person or Family, or any few persons or Families, much less of any Sect, Party, Faction. It cannot be denied, but whilst the Succession of our Kings was limited to a Family, the succession was more certain. For so the next successor was more easily known, and competition, which in this case is so dangerous, was more easily avoided. Yet even this could not prevent the difference between the Houses of *York* and *Lancaster*. And when the issue of *Henry* 8 failed, we had been in greater danger, if the King of *Scots* had not been a Protestant, and one who was conceived would prove firm to the English Protestant Interest. But when this limited succession shall prove (as it may do) inconsistent with the publick interest, its not so much to be regarded. For, why should the honour or privilege of one Family, prejudice the universal safety of a Nation. We know that vast Empires and Kingdoms have by an unlimited Election continued long. And that which might help much in this Case, is that policy of the *German* Empire in the *Interregnum* to have an administrator General. 4. In modelling the Government, we must have a special eye unto the Constitution, that it be such, as that it may, not only be consistent with, but effectually conduce to the promoting of peace and righteousness in the administration of the State,

State, and also to the advancement of the Christian Religion in the Church. And I conceive our ancient Government for these ends was excellent: and did also preserve and regulate the liberty of the people, and also wisely limit the supream Magistrate.

*Qualifica-
tion of Par-
liament
members.*

5. The Parliament being a general Representative of the whole Nation, and now of three, and trusted with our liberty, estates, lives, and in some measure with the Religion we profess, should consist, and be made up of eminent and wise men. Therefore the Election of them for the manner, should be more regular and orderly in respect of the Electors, and better limited and more strictly tied to a right Qualification of the Persons elected, which should neither be unworthy nor unfit. It may indeed fall so out, that in these irregular, and sometimes tumultuous Elections, some wise and eminent persons may be chosen, and the same may prove predominant and leading Members in that great Assembly; but this is but a chance, and no certainty nor use of right reason in it.

*What to
be looked
into by a
Parliament
first.*

6 When a Parliament is once assembled and begins to act, if there be any thing that concerns the preservation and continuance, either of the being of the State, or of the Substance of the Protestant Religion, that must be first dispatched, and the next the punishment of crying Sins, which are the Ruines of States.

7 As for Religion, so far as it concerns the State; it's fit that there be some general Rule both of our Profession and Worship: but the Rule of profession must be brief, and grounded upon plain Scriptures, and so near to ancient Confessions, as that no rational Christian, who acknowledged the Scriptures to be the Word of God, could or would scruple. The Rule of Worship also must be plain and Clear. Let nothing be imposed upon all, which any rational Christian, as such, may not receive without scruple. As for Discipline, as I have begun, so I will go on in the next Chapter. But these things have been, and will be considered by far wiser men, therefore I will not enlarge.

I might have said something more of the manner of disposing Sovereign power, and with *Besoldus* have observed, that as there may be two persons who make but one Monarch, so there may be one King of two, or more distinct and several Kingdoms. This latter disposal was debated much in *Calvin's* case by the Sage Judges of the land: in which debate, some of them, especially Chancellour *Egerton*, did little less than make the King an absolute Monarch, and the two Kingdoms in effect one: but the Parliament was of another mind. And the matter was far above their Courts and Cognizance; the union could not be determined,
O ed,

ed, but by the Parliaments of both Kingdoms, neither could this be done by them, if the union made any alteration in the Constitution of either Kingdom. In respect of mine intention, this Chapter is very large, in respect of the matter very brief : and my desire is, that others would more seriously and impartially enquire into this subject, so far as it concerns our own Constitution, which no doubt may be found out, and if it prove defective may be perfected, if men were peaceable, and sought the publick good.

C H A P. IX.

*Of the disposition of Ecclesiastical Power:
and first, whether it be due unto the
Bishop of Rome.*

THe most difficult point in Politicks, Sect. 1.
is, that of the *Jura Majestatis*, and
the right disposal of them in a fit sub-
ject: and concerning the nature of Civil
power, the manner of acquiring and dis-
posing of it, I have already spoken; and
also of Ecclesiastical power and the ac-
quisition thereof: now it remains, I say
something of the manner of disposing the
power of the Keys in the right subject.
This is a matter of great dispute in
these our times. Therefore, when I ex-
pected to find all clear, because a *Jus*
divinum, grounded on the Scriptures, was
pretended on all hands, I found it other-
wise. As, when one of our Worthies
had disemboked the *Megellanick* straits,
and was entred into that sea, they call
Pacificum, he found the word *Pacifick* re-
ally contradicted by violent storms: so it
falls out here, I hoped to have landed in
a Region of perpetual peace, but I was
found in a *Terra del Fuego*, a land of
fire

fire and smoak; like unto *Palma*, one of the seven *Canary* Islands, where, in *September* 1646, or thereabouts, a fire first raged fearfully in the bowels of the earth, and at length brake out, and ran in five several fiery, sulphurous streams into the main: In like manner, this power of the Keys runs in five several Channels, but very turbulently and impetuously. For the Pope, the Prince, the Prelate, the Presbyter, the Plebeian rank, do every one of them severally challenge it; and nothing under a *Jus divinum* will serve the turn. Therefore I will,

1. Examine their several Titles.
2. Deliver mine own judgement.
3. Add something of the extent of a particular Church.

Sect. 2.

And this shall be my Method, and the several Heads of my ensuing Treatise, before I enter upon the second part of the Constitution of a Common-wealth, which is *Pars subdita*.

The first title is, that of the great *Roman* Pontiffe, who perhaps will storm, and that with indignation against any, who shall presume to examine it. This Bishop is the greatest Prelate and Clergy-man in the world. And as old *Rome* from a poor beginning, and a few people, became the Imperial City of the world; so this Prelate, from a poor persecuted Minister of the Gospel, attained to this pitch of glory; and contrary to the example of Christ and his

his Apostles, lives in so great splendour, pomp and State terrene, that the Princes of the world cannot parallel him: and for the power, which he doth exercise and challenge, he is far above them. His Court is very magnificent, and cannot be maintained without a vast Revenue. Some say, that he is that second beast which came out of the earth, and had two horns of a Lamb, but spake as a Dragon, and exerciseth all the power of the first beast before him, &c. Rev. 13. 11, 12. His name is *Satanos*, his number 25. He assumed the title of Universal Bishop about the year of our Lord, 666. So that his number in the name, in the radical sum, and in the time of his appearance, is 666. And for orders sake, I might, 1. Observe the power. 2. Relate the several reasons, whereby the title to this power is confirmed. 3. Examine whether they be sufficient or no? 1. The power, which is challenged, is transcendent and very great, and that not only extensively, but intensively too, it's such as men never had, and therefore could never give. And therefore, though he came out of the earth, yet he derives it from Heaven. To be the first Patriarch of the Imperial See will not serve the turn: neither will he be content to be a man and fallible, he must be infallible. Neither will this satisfy him, he must be the visible Head of the Universal Church, universal Bishop and Monarch

over all persons, all Churches, in all Causes Ecclesiastical. Nay, this Power is so extensive, that he must have something to do in Heaven, and much to do in Hell. He must be above all General Councils. They cannot Assemble, Conclude, Dissolve without his power. He must be President; all Canons and Judgments which they pass without him, are of no force, and only what he approves is valid. His very Letters must be Laws, and if he please of Universal Obligation. His Reservations and Dispensations are very high, his judgments irreversible; he receives last appeals from all Churches in the World; he Judgeth all, is Judged of none. His power to execute is strange, and his policy wonderful. He hath plenitude of power Ecclesiastical. Yet this will not suffice him; he hath acquired temporal Dominions, and is a secular Prince. And because his Territories are not large, he hath found out a way to possess himself of the Sword, and all temporal power *in ordine ad spiritualia*, must be his.

Sect. 3.

But what are the reasons, whereupon this vast power is grounded? Surely they do build upon a rock, and not upon the sand. Their reasons are taken from Politicks, from the ancient Writers, and from Scriptures too. 1. From Politicks, they take this for granted that amongst humane Governments, Monarchy is the best. 2. That amongst Monarchies Despotical excels :
this

this they dare not expressly affirm, yet the papal power which is challenged, is such. 3. That if Monarchy be the best, then surely the Government of the Church is Monarchical, for that being instituted from Heaven, must needs be the most perfect. 4. That the first Monarch visible of the Church was *Peter*. 5. That *Peter* was made such by Christ, and received a power to transmit it to others, and appoint his Successours. 6. That he fixed his See at *Rome*, and made the Bishop of that City his Heir, so that he is *heres ex asse*. 7. That so soon as any person is legally elected Bishop of that See, he is *ipso facto*, the Universal Monarch, and the proper subject of plenitude of all Ecclesiastical power. -2. The Epithetes, the Elogies, the *Encomiums* of the Bishop and the See of *Rome*, are collected out of ancient Writers, and marshalled in order, and they make a goodly show: and who dare say any thing against them. 3. Yet because these are not of divine Authority, therefore they search the holy Scriptures, and find it written that *Peter* was the only person and Apostle, to whom Christ gave the Keys of Heaven's Kingdom, and he must bind and loose on earth; and what he shall so do on earth, shall be made good in Heaven. If this will not serve the turn, Christ saith to *Peter*, and to no other Apostles, *If thou love me, feed my Flock, my Lambs, my Sheep, and to feed is to govern,*

200 *Of the disposit. of Ecclesiast. Power,*
and the Flock, Lambs, and Sheep, are the Church.

Sect. 4. Yet notwithstanding all these reasons, many rational men think, and they have reason for it, that this power is so great, that it's intolerable presumption for any person to challenge it, impossible for any man duly to manage it, but only Jesus Christ, who knew no sin, and was not only man, but the Son of the living God. Besides, wise men do certainly know that the power was usurped and possessed by degrees first, and afterwards the greatest Wits were set on work to invent a title : the usual way of all unjust Usurpers. 1. As for their Politicks, they help them little : for in that reason from Government, they presuppose all, and prove nothing from first to last ; neither can any wit of man prove any of their supposals ; yet all must be proved, and that demonstratively, and every one of them made evident, otherwise the vast mighty Fabrick falls to the ground. Many of themselves know in their Conscience the invalidity and weakness of every one of them. 2. As for these passages of ancient Writers, which seem so much to honour and advance that Church above others, many of them are Hyperbolical and Rhetorical strains, and far from being any ground either of Logical or Theological proofs. 2. Such as were proper might agree to that Church for that time, when it was honoured with persons
of

of eminent piety and learning, which were found in it as being the seat of the Empire. And such things might be true of that Church then, which do not agree unto it now. 3. It's found by the searching of the ancient Manuscripts, that some things have been foisted into the Books of these ancient Authors in favour of that Church. For they, who could (even before the fourth Century was ended) corrupt the Copy, if not the Latine Original of the *Nicene* Council, and put in a Canon for to warrant receiving appeals from *Africk*, which was not found in the *Greek* Original, are not much to be trusted. 4. Suppose many or all of those ancient commendations, which were proper should be true, yet they will not amount to that plenitude of power which in after times was exercised, and to this day is challenged by the Bishops of that See. 5. None of those honourable testimonies are of Divine authority, or firmly grounded upon the Scriptures. And what the Scriptures give them, that we will not deny them. 3. As for their arguments from Scriptures, I have wondred that any rational man should ever use them, as they are by them applied to the Pope. To argue, That because Christ said to *Peter*, *to thee I give the Keys of the Kingdom of Heaven, and if thou lovest me, feed my Sheep* : therefore the present Bishop of Rome is the Head and absolute Monarch of the Universal Church,
and

and invested with plenitude of power, is very irrational. There is such a vast distance between these Scriptures and the conclusion, and so many *mediums* to be used before they can come at it, and the same so uncertain, that no man, that will make use of his reason, can assent unto the conclusion; when all is said, that can be said, in behalf of this Universal Vicar from these Texts. If we should maintain our cause against them by such arguments, they would reject us with scorn and indignation. Let his party plead and plead again, for his Universal and transcendent power, I am sure of one thing, that if he loved Christ as *Peter* professed he did, and had a mind sincerely bent to feed his Flock, he would never challenge, much less exercise such vast power. That Christ left a power sufficient to the Church, we verily believe, but that he delegated so great a power, or delegated it unto him, we utterly deny, and have great reason for it. Yet, because we will not submit unto his papal Majesty, we must be condemned as Schismatics and Heretics, deprived of all hope of Salvation, as having no Communion with that Church, whereof he is Head, and lodged in Hell, the lowest Hell. And all this is done upon the weakest grounds that ever rational man did use. But we appeal to Heaven, where Christ will be our Advocate, and plead our cause, and carry it too. If it were needful, I
would

would single out the chiefest arguments used by them of *Rome* to maintain this Title, and answer them distinctly. But this is done already by many worthy and learned men. Therefore I will take it for granted, as that which hath been made good and evident, that the Pope is not the first and proper subject of the power of the Keys.

C H A P.

C H A P. X.

*Whether the Civil State have any good
Title to the Power of the Keys.*

Sect. 1.

YET if the Pope cannot have and hold this power, yet the Princes, Sovereigns, and civil States, especially Christian, will assume it, and they have the strongest, and the surest way of all others, if they once get possession for to keep it, and that's the Sword. King *Henry 8.* did not only refuse to submit unto the *Roman* supremacy, but took it to himself, and became within his own Dominions, over all persons, in all causes, as well Ecclesiastical as Civil, supreme Head and Governour. So the Priest by the Prince was divested of a considerable part both of his power and also his Revenue. But whether he could be the proper subject of this spiritual Power, or make good his Title to it, was much doubted, and that by many. As King, he was but *caput regni non Ecclesie*: and as such, he might have some Civil, but no Ecclesiastical Power at all. Yet though it was called Ecclesiastical yet it was not such, *Grammaticè sed Rhetoricè*, not properly, but by a *Trope*, a *Metonymie* of the adjunct for the Subject *circa quod*. For the power of a State
Tempo-

Temporal is only Civil, if properly and formally considered; yet the Civil Sovereign had always something to do in matters of Religion, concerning which it may make Laws, pass Judgment, and execute the same; yet the Laws, the Judgments, the Execution were Civil, not strictly Ecclesiastical. Therefore such as maintained the Regal Supremacy in Ecclesiasticals, were so wise as to say, that it was
 * but materially and objectively in the Crown. In which sense it was always due to Civil Powers, as Civil, as appears from *Deut. 13.* and many other places of Scripture: as also from many Examples, not only of the Kings of *Judah*, but of *Ninivy*, *Babylon*, and *Persia*. That many of these Heathen Princes, and also of the Kings of *Israel* did abuse this power, for the establishment or exercise of a false Religion, and Idolatry, is no argument to prove they had it not, but that they did not use it aright *ἐξουσία ἀναγνασκὴν circa sacra*, did always belong, and that by divine institution to the Civil Higher Powers.

* Non assumit Rex vel jus clavium vel censuræ, sed quæ exterioris politię. Tort.

Torti. pag. 318. Rex quæ Rex, habet primatum Ecclesiasticum objective, quæ Christianus effective: quæ Rex actu primo, quæ Christianus secundo. Mason. de Ministr. Angl. l. 3. pag. 312.

For the better understanding of this point, several things are to be observed,

1. That as there is no people so barbarous but profess and practise some Religion, so there is no State or orderly Government, but acknowledgeth some Deity or Divine Power, upon which they conceive their publick Peace, Safety, Prosperity,

Sect. 2.

rity, and good Success doth depend: as we may by the very Scriptures, and also by other Histories be informed. For every Nation had their publick gods, besides their Family-tutelar Deities. It's true, though by the light of Nature, considering the Glorious works of Heaven and Earth, they might have known the true God, yet they changed the Glory of God into a Lye, or false God, and conceived that to be a God which was no such thing.

2. The supream Governours of these States had a special care to order the matters of that Religion which they publicly received. They made Laws, appointed Priests for the Service and Worship of their Gods. This is also evident from Scripture, and from other Histories too. This ordering of Religion as publick, was always held a right of the publick Power.

3. Yet they had no power to establish, or observe any Religion or Worship, but that which God had instituted according to the Laws of Nature, or divine Revelation; if they did, they abused their Power. For that very power, as from God, was nothing but *jus ad recte agendum*, a right to do right in matters of Religion. If they did otherwise, they abused their power, they lost it not. And if an Heathen Prince or State should become Christian, they acquire no new Right,

Right, but are further engaged to exercise their power in abolishing Idolatry, and establishing the true Worship of the true God. This may be signified by the Titles of Nursing-Fathers of the Church, Defenders of the Faith, Most Christian, Most Catholick King. All which, as they signified their Right, so they also pointed at their Duty, which was to protect the true Church, and maintain the True, Christian, Catholick Faith.

4. Though Regal and Sacerdotal power were always distinct and different in themselves, yet they were often disposed and united in one Person. Thus *Melchisedeck* was both King and Priest, Thus *Romulus* was Prince, and the chief Pontiffe. For he is said ἱερῶν καὶ θυσιῶν ἡγεμονίαν ἔχειν καὶ πάντα δι' ἐνεῖναι περὶ τῶν τοῦ θεοῦ ὄσια, *Halicar. Antiqu. Rom. lib. 2.* The succeeding Kings took the same place. After the Regal power was abolished, it was an high Office. When *Rome* became Imperial, the Emperours took the Title of Supream Pontiffe, and some of them, after they became Christian, retained it. Yet still as the Powers, so the Acts were distinct. For *Melchisedeck* as King, ruled his People in Righteousness and Peace; as Priest officiated, received Tithes, and blessed *Abraham*. As they were sometimes united, so they were divided. For God entailed the Sacerdotal

Whether the Civil State have any good
 tal power upon the house of *Aaron*, and
 afterwards, the Regal power upon the fa-
 mily of *David*. Neither did Christ or
 his Apostles think it fit to make the Mi-
 nisters Magistrates, or the Magistrates Mi-
 nisters. Yet in this Union or Division
 you must know, that this Sacerdotal and
 Ministerial power was not this Civil pow-
 er of Religion, which always belonged
 to the Civil Governours, even then, when
 these two powers were divided.

5. If Civil powers stablish Religion and
 that by Law, call Synods, order them,
 ratifie their Canons, divest spiritual and
 Ecclesiastical persons of their temporal
 priviledges, or restore them, yet they do
 all this by their civil power, by which they
 cannot excommunicate, absolve, suspend,
 much less officiate and preach, and ad-
 minister Sacraments. In this respect, if
 the civil power make a civil Law against
 Idolatry, Blasphemy, Heresie, or other
 scandal, they may by the same power justly
 punish the offenders by the sword, and
 the Church censure them by the power
 of the Keyes.

6. This *jus Religionis ordinandæ*, this
 power of ordering matters of Religion,
 is not the power of the Church, but of
 the State; not of the Keyes, but of the
 sword. The Church hath nothing to do
 with the sword, nor the State with the
 Keyes. Christ did not say, tell the State,
 and whatsoever ye bind on earth shall be
 bound

bound in Heaven, &c. Neither did he say of the Church, that she beareth not the sword in vain. Therefore, he must needs be very ignorant or very partial, that shall conceive that the State is the *αρχὴν δέκτικον* of the power of the Keyes.

These things premised, give occasion Sect. 3. to consider, how the Oath of Supremacy is to be understood, especially in these words, wherein the Kings or Queens of *England* were acknowledged (over all persons, in causes as well Ecclesiastical as Civil all, supream head) and because that word *Head* was so offensive, it was changed into Governour. For the clearing hereof, it's to be observed,

1. That by these words, it was intended to exclude all foreign Power both Civil and Ecclesiastical, especially that which the Bishops of *Rome* did challenge, and also exercise within the Dominions of the Crown of *England*.

2. That the Kings and Queens of *England*, had no power supream in making Laws and passing judgements without the Parliament. Therefore by supream Governour, was meant supream Administrator, for the execution of the Laws in the intervals of Parliament. In this respect, the Canons and injunctions made by the Clergy, though confirmed by royal assent, without the Parliament, have been judged of no force.

3. That by Ecclesiastical causes, are
P
meant

meant such causes as are materially Ecclesiastical, yet properly civil, as before. For matters of Religion, in respect of the outward profession and practice, and the Parties professing and practising, are subject to the civil power. For by the outward part the State may be disturbed, put in danger of Gods judgements, and the persons are punishable by the sword, even for those crimes. Yet neither can the sword reach the soul, nor rectifie the conscience, except *per accidens*. That by *Ecclesiastical*, is not meant *spiritual* in proper sense, is clear; because the Kings of *England* never took upon them to excommunicate or absolve, neither had those Chancellours, that were only Civilians, and not Divines, power to perform such acts. Yet they received their power from the Bishops, and it was counted Ecclesiastical.

4. In respect of these Titles, those Courts which were called Spiritual and Ecclesiastical, derived their power from the Crown. And the Bishops did correct and punish, disquiet, disobedient criminous persons within their Diocess, according to such authority as they had by Gods word, and as to them was committed by the authority of this Realm. These are the words of the Book of Ordination in the consecration of Bishops. The words seem to imply, that they had a mixt, or at least a twofold power: one by the word,

as trusted with the power of the Keyes; the other from the Magistrate or Crown, and that was civil. Such a mixt power they had indeed in the high Commission. Yet though this may be implied, yet it may be, they understood that their power by the word of God, and from the Crown were the same. The act of restoring the ancient jurisdiction to the Crown. 1 Eliz. 1. doth make this further evident. For it's an act of restoring the ancient jurisdiction in Ecclesiasticals especially, to the Crown; for that's the Title. Where it must be observed, that the power was such, as the Parliament did give.

2. That they did not give it anew, but restore it.

3. They could not, had no power to give it, if it belonged to the Crown by the Constitution, but to declare it to be due; upon which Declaration the Queen might resume, that which the Pope had usurped and exercised.

4. It's remarkable, that not the Queen, but the Parliament, by that act did restore it: as the act of the Oath of supremacy was made by a Parliament, which by that act could not give the King any power at all, which was not formerly due. In respect of Testaments, temporal jurisdiction, Dignities, Priviledges, Titles as due unto the Church by humane Constitution and donation, all Ecclesiastical causes concerning these, were determinable by a civil power. How tithes

Whether the Civil State have any good are a lay-fee or divine right, hath been declared formerly. Hence it doth appear, that the Oath of Supremacy was not so easily understood, as it was easily taken by many: and the *Oxford* Convocation, I believe, but that they had already sworn, could have found as many reasons against it as against the Covenant, especially if it had been new, as the Covenant was. Many wise men at the first did scruple it, and some suffered death for refusal. Amongst the rest Sir *Thomas Moor*, a learned and a very prudent man, could not digest it; and though he might have an high conceit of the Papal Supremacy, yet that might not be the only reason of his refusal, but this, because he knew the Crown had no Ecclesiastical power properly so called. Though this was not thought to be the true, but only the pretended cause of his death: For in his *Utopia*, he seems to dislike the Indisputable Prerogative, which was a *Noli me tangere*, and to touch it so roughly, as he did, might cost dear, as it did. Yet I have taken the Oath of Supremacy in that sense as our Divines did understand it; and I was, and am willing to give to *Cesar* the things that are *Cesar's*.

Sect. 4.

That which hath been said in this point in brief is this: That though the Civil Powers have a right to order matters of Religion in respect of the outward part, and so far as the Sword may reach it according

cording to Divine Law, yet they have no power of the Keys, which Christ committed to the Church. For if we consider all the power exercised in matter of Religion by *David, Solomon*, and the pious Kings of *Judah*; by the Christian Emperours and Princes; by the Kings of *France* and *England*, it was but civil. Neither is the power of our Parliaments any other. For though they make Acts concerning the publick Doctrine and Discipline, yet these are but civil. They are not Representatives of the Church, but of the State, whether the Convocation was an essential part of the Parliament, or a full representative of the Church, I will not here debate. I find some great Lawyers which deny both. And if their denial be true, then *England* had no general Representative of the Church in latter times. As for *Erastians*, and such as do give all Ecclesiastical power of Discipline to the State, and deny all power to the Ministers, but that of dispensing Word and Sacraments: it's plain, they never understood the state of the Question; and though a Minister, as a Minister have no power but that of Word and Sacraments: yet from thence it will not follow, that the Church hath not a power spiritual, distinct from that of the State in matters of Religion.

C H A P. XI.

Whether Episcopacy be the primary subject of the Power of the Keys.

Secd. I.

THE Prelate presumes that the power of the Keys is his, and he thinks his title very good, and so good, that though he could not prove the institution, yet prescription will bear him out. For he hath had possession for a long time: and Universality and Antiquity seem to favour him very much. Yet I hope his title may be examined; and if upon examination it prove good, he hath no cause to be offended, except with this, that I of all others should meddle with it. But before any thing can be said to purpose, we must first know the nature and institution of a Bishop, which is the subject of the Question. Secondly, Put the Reader in mind, that the Question is not in this place, whether a Bishop be an Officer of the Church, either by some special, or some general Divine Precept, but whether he be the *πρῶτον δέκτικον* the primary subject of the power of the Keys. For he may be an Officer, and yet no such subject. Concerning a Bishop, the subject of the Question, two things are worthy our consideration. 1. What he is. 2. How instituted

instituted at the first. The Definition and Institution, seem rather to belong unto the second part of Ecclesiastical Politicks, where I shall entreat of Ecclesiastical Officers; and the constitution of them. Yet I will here say something of both in order to the Question, though I be the briefer afterward.

What a Bishop is may be difficult to Sect. 2. know, except we do distinguish, before we do define. For we find several sorts of Bishops in the Church Christian. There is a Primitive, a Prelatical or Hierarchical, and an English Bishop, distinct and different in some things from both the former: for whom I reserve a place in the end of this Chapter. The Primitive *Primitive Bishop.* Bishop is twofold.

1. A Presbyter.

2. A President or Superintendent.

1. A Presbyter in the New Testament is a Bishop. For the Elders of *Ephesus*, were made by the Holy Ghost Bishops or Superintendents over God's flock, *Acts* 20. 28. And the qualification of a Bishop, *1 Tim.* 3. 1, 2, 3, &c. is the qualification of an Elder, *Tit.* 1. 5, 6, 7, &c. For whatsoever some of late have said to the contrary, yet Presbyter and Bishop were only two different words signifying the same Officer. And this is confessed by divers of the Ancients, who tell us, that the word *Bishop* was appropriated to one, who was more than a Presbyter, in after-times.

2. A Bishop signified one that was above a Presbyter in some respects, as a Moderatour of a Classis, or President of a Synod. But such a Presbyter might be only *pro tempore* for the time of the Session; and after the Assembly dissolved, he might return to be a bare Presbyter again. For to be a Moderatour or President, was no constant place. The word in this sense we find seldom used, if at all.

2. A President was a kind of Superintendent, with a care and inspection, not only over the people, but the Presbyters too within a certain precinct: and this was a constant place, and the party called a Bishop, and by *Ambrose* and *Austine*, with divers others, called *primus Presbyterorum*, and these were such as had no power, but with the Presbytery joyntly, and that without a negative voice. And the Presbytery might be a Representative, not only of the Presbyters strictly taken, but of the people too. For we may read in *Cyprian* and other Authours, that these Bishops in more weighty matters of publick concernment, did nothing without the counsel and consent, not only of the Presbyters, but the people. This I call a primitive Bishop, not only because he is ancient, but also because the place or office is agreeable to the rules of Reason, of Government, and the general Rules of the Apostles concerning Order, Decency, Edification. There is also an Hierarchical

His Power.

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cal Bishop, who may be only a Bishop, or an Archbishop, and Metropolitan or a Patriarch; and these challenge the power of Ordination and Jurisdiction: and in Jurisdiction, include and engross the power of making Canons. This kind of Episcopacy is ancient as the former. This last Bishop is he, upon whom *Spalatensis* and many others do fix: and though they grant that he should do nothing without the Counsel of the Presbytery, yet they give him full power without the Presbytery, which they joyn with him only for advice. The English Bishop is in something different from all these, as shall be made evident hereafter. From these distinctions it's apparent, that the word *Bishop* is equivocal, and must be defined several ways according to the several significations, which is easily done by that which hath been said already.

His Power.

For the first institution of Episcopacy, Sect. 3. there is as great difference in that, as in the former, and that not only in respect of the time when it was instituted, but also of the Author of the institution. Those that are zealous for Episcopacy, must needs have the institution to be Divine; who-soever the Author may be, whether Christ or his Apostles. Some learned and pious men make Christ the immediate Author in that mission. 1. Of the twelve Apostles. 2. Of the seventy Disciples. In which mission, they observe, 1. An imparity

parity between the twelve and the seventy, which imparity they say, continued in the Bishops succeeding the Apostles, and the Presbyters succeeding the Disciples: but these will satisfie no considerate man. For though it be granted, that there was some imparity, yet, 1. The mission of both was immediately from Christ. 2. It was for the same work to preach the Gospel, and do Miracles in confirmation of the same. 3. They were limited and confined to the Jew. 4. There was no imparity of power and jurisdiction of the one over the other: both were immediately subject to Christ. 5. That some of the Ancients say, the Bishops succeeded the Apostles, and Presbyters, the seventy Disciples can hardly be true, or any ways made good. Seeing therefore this mission of both was immediate, and for Doctrine, and not for Discipline, it cannot reach the power challenged & grounded upon it. The School of *Sorbonne* was of this mind, and say, it was a ground of the Hierarchy. But if it was a ground, it was but very infirm, for the Hierarchy was but introduced *jure humano non divino*, as may and will be made evident. Others wave this, and make the institution Apostolical; yet in this they differ. For some say it was from the Apostles as Apostles, and immediately inspired, and in this particular, and then it is Divine indeed. Others tell us, it was from them, as acting by an ordinary and Eccle-

*Hierarch.
Jure Hu-
mano.*

Ecclesiastical power. Again, it may be grounded upon some Apostolick Precept of Divine, Universal, and perpetual Obligation, or upon their Practice and Example. The former, the Convocation at *Oxford* in their Scruples against taking the Covenant, dare not affirm; and indeed no such Precept doth appear. Again, the Precepts of the Apostles were either General or Special. And if there be not some special divine Precept for this institution, it cannot be of perpetual Obligation, nor necessary. *Epiphanius* confuting the Heresie of *Aerius*, if he be consistent with himself, must needs be of this mind, because he affirms, that the businesses of the Church, may be fully dispatched and performed by Presbyters and Deacons without a Bishop. *Hierome* makes Episcopacy an humane Constitution, and not Divine: In this, some excuse him: but *Spalatensis* saith, he cannot be excused: *Medina* chargeth him, and other of the Fathers with the *Aerian* Heresie. As for those words of his: *Quid facit Episcopus excepta ordinatione, quod non faciat Presbyter*; they may seem to reserve a power of Ordination as proper to the Bishop; and in this Respect, Episcopacy may be of a divine Constitution. Yet *Marsilius* understands by *Ordination*, the constitution of the Church, not the ordination of Ministers. And there is great reason to think so, because otherwise his words

words are directly false, and known to be so, if meant of Ordination of Presbyters by imposition of hands: for long before his time, the Bishops did many things, which a Presbyter could not do: neither could a Bishop Ordain without Presbyters. If they had this Power to themselves alone, and that by divine Donation, *Hierome* must plainly contradict himself. If *Hierome* meant the Hierarchical Episcopacy, which then in many places was the only Episcopacy, then it's most certain, that that was not from God, but man; not from divine, but humane Constitution. And the Hierarchical subordination, seems to be ordained directly to avoid Schism, which that learned man saith, was the Occasion of that Episcopacy.

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Though it would take up a full Volume, to answer in Particular all those who have asserted, and endeavoured to prove the Divine right of this Hierarchical Prelate, invested with the Power of Ordination and Jurisdiction: and therefore here I might be silent, yet, seeing the substance of all the rest may be read in *Spalatenfis*, therefore I will single him out, and consider the force of his Reasons, which are insisted upon by others to this day. And here we must observe,

1. That the Bishop which he maintaineth is Hierarchical, and one invested with the Power of Ordination and Jurisdiction.

2. That

2. That his intention and design, is to prove him to be of Divine Institution.

3. To this purpose he alledgeth several Scriptures, and he seems to find the fundamental Charter in these words of our Saviour: *As my Father sent me, so I send you, &c. John 20. 21, 22.* Where I will observe,

1. His interpretation of the words.

2. His supposition of imparity between the twelve Apostles and seventy Disciples.

3. Examine whether the Texts antecedent or consequent, or the words themselves do favour him.

1. Therefore he determines the agreement between his Fathers mission of him, and his Mission of them to be this. * * *De Re-*

That as his Father gave him power to ordain, and constitute them in a superior rank of power and Jurisdiction, and the seventy Disciples of an inferior Order: so he gave them Power likewise to appoint their successors in a twofold rank. *pub. Eccles. lib. 2. c. 3. sect. 7, 8, 9.*

1. Bishops with a full Apostolical ordinary power.

2. Presbyters, without any such power of Ordination and Jurisdiction, for so he means.

2. In this Exposition, he presupposeth an imparity of power, but very absurdly. For he gives the Power of Ordination and Jurisdiction to the Bishops alone, but none at all to the Presbyters. And whereas imparity is a difference only in degrees

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degrees, he makes the difference of the Bishops and Presbyters to be essential and specifical. But of this before: and if any desire to see more, let them read the Doctors of *Sorbonne* concerning this particular in their tract, *De Ecclesiastica & Politica potestate*.

Thus you have heard,

1. His Exposition.

2. His Supposition.

Now it follows we enquire, Whether either of them have any warrant, or so much as colour from the Context, Antecedent, or Consequent. The Antecedent favours him not: For *ver. 19.* it's said, not that the Apostles, but Disciples were together: and the Seventy are called Disciples, and some of them might be there, and his words directed to them; and if this be so, the very foundation of the argument from this place is rased. Neither doth the words following help him, but are point-blank against him. For *verses 22, 23.* it's said, *He breathed upon them, and saith unto them, Receive ye the Holy Ghost, whosoever sins ye remit, they are remitted, &c.*

Where, 1. Many by the Holy Ghost, understand spiritual power, or power of and from the Spirit.

2 This power is not a power of Ordination, or Jurisdiction *in foro exteriori*, but a power of Remission and Retention of

of sins, *in foro interiori & pœnitentiali*, as the Schoolmen and Casuists speak.

3. They remit and retain sins by the Word and Sacraments. Therefore in the ordination of Presbyters, both in the Pontifical of *Rome* and our Ordination-book, these words are used, and after them are added with some ceremony, this passage, *Be thou a faithful dispenser of the Word of God, and his holy Sacraments.* And again, the Bible delivered into the hands of the party ordained, *Take thou authority to preach the Word of God, and to administer the Holy Sacraments.*

4. This is the power of the Keys promised, *Matthew* 16. 19. which place he himself understands of Conversion by the Word.

5. This is the essential power of a Presbyter, as a Presbyter.

In the third place, as neither the context, antecedent, nor consequent help him, so neither do the words themselves. For except the similitude and agreement between his Fathers Mission and his be Universal and adequate, or some ways specifically determined unto this particular impurity of the twelve and seventy, and also of Bishops and Presbyters, his Exposition can never be made good. That it is not Universal is evident, and that by his own Confession, who tells us, that the Father sent Christ to redeem, but Christ never
sent

Sect. 6.

sent the Apostles to do any such thing. *As and So*, are notes of similitude indeed: and therefore his Fathers Mission of him, and his Mission of the Apostles, must agree in something. And so they do, 1. He was sent, so were they. 2. He received the Spirit, so did they. 3. He was sent to preach and do miracles, so were they. 4. His Mission was extraordinary, so was theirs, *Sicut est nota similitudinis*, and (as *a Lapide* saith) may signifie *similitudinem Officii, principii, finis, miraculorum & amoris*; yet none of these can serve his turn. Therefore, saith *Grotius*, and that truly, *Παρά, aliquam, non omnimodam similitudinem significat*. *Gerrard* upon the same words, as used by our Saviour, *Joh. 17. 18.* multiplies the analogy, and makes these two missions agree in fifteen particulars: yet he never thought of this. Christ, as he observes, was sent: 1. To redeem. 2. To preach the Gospel; so they were sent not to redeem, but to preach, and did succeed him, not in his sacerdotal, but prophetic Office, by the Word and Sacraments to apply the Redemption, not as Priests to expiate sins. Seeing therefore the analogy is not universal, nor any ways by the Context, antecedent or consequent, or the Text it self determined to this particular, but to another, as is apparent; therefore his Exposition is frivolous, his Supposition false, and the Text no ground of an Hierarchical Episcopacy.

Yet he proceeds to prove this imparity *Sect. 7.*
 from examples: 1. * Of *Peter* and *John* * *Act. 8. 14.*
 sent to *Samaritan*, that by imposition of hands,
 as of Bishops, they whom *Philip* had converted,
 as a meer Presbyter, might receive the Holy Ghost.
 2. From *Barnabas*, sent as a Bishop, as he takes for granted, to *Antioch*,
 to confirm the believing *Jews*, converted by the dispersed
 Saints, in that Faith they had received. But will it follow,
 that *Peter*, and *John*, and *Barnabas* were Bishops invested
 with the power of ordination and jurisdiction, because they
 were sent by the Church of *Jerusalem*, not to ordain or make
 Canons, or censure, but by imposition of hands and prayer,
 give the Holy Ghost, and confirm the new Converts of
Samaritan and *Antioch*? how irrational and absurd is this?
 3. He instanceth in *Timothy*, left by *Paul* at
Ephesus, and *Titus* left by him at *Crete* to ordain
 Elders, and order other matters of those Churches,
 not fully constituted and perfected for Doctrine,
 Worship and Discipline. But let it be granted,
 that they had power of Ordination and Jurisdiction;
 yet 1. It will not follow from hence, that because they
 had it, therefore Presbyters had it not. Nor 2. That they
 had it without Presbyters, where Presbyters might be
 had. Nor 3. That they had it as Bishops, which is the
 very thing to be proved. 4. The plain truth is, that they
 had it in those places, and for that time, as commissioned
 and trusted by the Apostle,

to do many things in that Church, according to the Canons sent them by the Apostles, which they had no power to make themselves. Dr. Andrews taking all Apostolical power to be divine; affirms Episcopacy to be a distinct order, and of divine institution; and grounds himself upon the testimony of *Irenæus*, *Tertullian*, *Eusebius*, *Hierome*, *Ambrose*, *Chrysostome*, *Epiphanius*, and *Theodoret*: who all write, that *Ignatius*, *Polycarpus*, *Timothy*, *Titus*, and others were made Bishops, and of a distinct Order above Presbyters by the Apostles themselves. Yet 1. If he mean by Apostolical, whatsoever is done by the Apostles, then many things Apostolical are not Divine, much less of Divine Institution and Obligation. For many things were done by them in matters of the Church by a meer ordinary power. 2. The testimony of all these Fathers is but humane; and according to his own rule cannot be believed, but with an humane and fallible Faith; *Et quod fide humana non credendum, fide divina non agendum.* 3. If he meant, that those had power of Ordination and Jurisdiction as Bishops, he contradicts himself; affirming, that this power of the Keyes, was given immediately by Christ not to *Peter*, not to the Apostles, but to the Church, and the Church had it, to the Church it was ratified, the Church doth exercise it, and transfer it upon one or more, *qui ejus potest vel exercenda vel denuncianda facultatem habeant.* *Tortura Torti.*

p. 42. So that none can have it, but as delegates of the Church; not as Bishops or Officers.

The last instance from Scriptures, is in the Angels of the seven Churches of *Asia*: and he affirms these were Bishops. But *sect. 4.*

1. So they might be and yet only Presbyters. 2. Suppose they were more then Presbyters, and super-intendents at least, it doth not follow they were Hierarchical Bishops: For if they were, it must appear from some divine Record, or else how can I certainly believe it. 3. Let them be Hierarchical Prelates, yet it must be made evident by what warrant and institution, they became such. The institution must be grounded, either upon the practise or precepts of Christ or his Apostles: yet all these grounds have been formerly examined. But 4. Doth any man think that these Letters and Messages were sent only to seven Persons, who were Bishops? Its evident and clear as the Sun, they were directed to the whole Churches to the Ministers, which are called by the name of *Angels*, and to the people. For the whole Church of *Ephesus*, of *Smyrna*, and of the rest is commended, or reproved and charged with divers sins, and threatned with such punishments as must fall upon all. After all these proofs from Scripture, recourse is had to Antiquity and Universality, as sufficient grounds of a prescription, which is a good kind of title. But 1. In divine

things, especially such as are of ordinary and universal obligation, Antiquity and Universality without a Divine Institution will not serve the turn. 2. The Hierarchy prescribes as much, and as high as Episcopacy, invested with power of Ordination and Jurisdiction, as proper to it self, yet its confessed to be only of humane institution. 3. What is it, how is it defined? What Divine Institution can be made evident of that, which they say is so universal and ancient? 4. Who are the witnesses, by whose testimony this Antiquity and Universality is proved? They are, besides some of later times, but few, and all within the *Roman* Empire, many of them Bishops themselves, and some of them bitter Enemies one against another. They are not one of an hundred amongst the Bishops, not one of a thousand amongst others. Yet the Church in the Apostles times, was enlarged to the ends of the Earth. And as then, so now, there were in every Century thousands that did never write, or if they did, they wrote not of Episcopacy; and many of them might be as great Schollars, as those whose books are extant. 5. There was a special reason, why there might be Bishops and the same Hierarchical in the principal parts of the *Roman* Territory, as shall be touched hereafter. 6. Suppose these Bishops to have the power of Ordination and Jurisdiction, yea, the whole power of the Keyes, which includes the

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the Legislative in making Canons, can any man prove, that they had it always in all places: and if so, that they had it severally in their several precincts, and not joyntly with their fellow Bishops, as Representatives in Counsels, and also with Presbyters and others too. Its well enough known, that other besides Bishops had their suffrage in Synods. * *Arles*, President of the Council of *Basil*, proves stoutly that Presbyters have their Votes; and without them he could not have carried the cause against *Panormitan* and his faction.

* *Ludovicus, Arabelexsis. Lewis, Archbishop of Arles, President in the Council of Basil.*

After the primitive and the Hierarchical Episcopacy comes in the English, which hath something singular. He that will understand the nature of it more fully, must read *Dr. Zouch*, *Dr. Mucket*, *Dr. Cosens* the Civilian his Tables, with him (who calls himself *Didoclarivius*) upon him. By all whom we may understand, 1. It was not the primitive Episcopacy. 2. It was clearly Hierarchical; for we had Bishops, and two Arch-Bishops of *York* and *Canterbury*; the one the Metropolitan of *England*, the other of all *England*. The Bishops took their Oath of obedience to the Arch-Bishops, as appeareth by the book of ordination. They did arrogate the power of ordination to themselves, though Presbyters did in the ordination impose hands with them, and some of them confessed, they had it only with the Presbyter joyntly. Yet we know how that by others is

St. 8.

English Bishops.

eluded. 3. Not to say any thing of their Titles, Dignity, Revenue, Baronies annexed to their Sea; their place in the house of the Peers in Parliament, and their privileges, they had cast off in effect, not only the people, but Presbytery. For though the Presbytery had their Clerks, both in the Convocation of *York*, and also at *London*, if the Parliament sat there; yet they took upon them in the end to nominate these Clerks, and deprive the Ministers of their right of Election. As for the Deanes and Chapters, which should have been eminent Persons, and chosen by the Presbytery in every Diocess to represent them, they were degenerate from their original Institution; and the Bishops, who should have done nothing but joyntly with them, did all things without them. They in effect, though unjustly engrossed the whole power of Administration. 4. Yet this is observable: that 1. They could make no Canons but joyntly in one Assembly. 2. That joyntly amongst themselves, without the Presbytery, they had not this power. 3. That no Canons were valid without the Royal Assent. 4. Neither by the Constitution was the Royal Assent sufficient without the Parliament. 5. That they derived much of their Ecclesiastical power from the Crown. For by the Oath of Supremacy is declared, that the King of *England* is over all persons, even in Ecclesiastical causes Supreme Governour, In which respect,

*What Dean
and Chap-
ters were.*

respect, all their secular Power, Revenue, Dignity, and also their nomination and confirmation with their investiture is from him. He calls Synods, confirms their Canons, grants Commissions to exercise Jurisdiction purely Ecclesiastical. In the first year of King *Edward* the sixth, by a Statute they were bound to use the Kings name, not their own, even in their Citations: and as before, they must correct and punish offenders according to such Authority as they had by the Word of God, and as to them should be committed by the ordinance of this Realm: So, that if the Popish Bishops derive their power from the Pope, and the English from the King, neither of them could be *jure divino*. And by this, the title of most Bishops in *Europe* is meerly humane, and that in two respects: 1. Because its Hierarchial. 2. Derived either from an higher Ecclesiastical or an higher secular power.

English Bishops not Jure Divino.

Thus far I have enquired, though brief-ly and according to my poor ability, into the definition and institution of a Bishop, the subject of the Question, which is this, Whether a Bishop or Bishops be the primary subject of the Keyes? The meaning whereof is, 1. Whether they be the primary and adequate sole subject of the whole power of the Keyes, whereof the principal, though not all the branches, are making Canons, and receiving last appeals, without any provocation from them? For

Se. 9.

they may be subjects, and not primary, they may be subjects of some part, and not of the whole power? 2. Whether they be such subjects of this power *in foro exteriori*. For *in foro interiori*, the Presbyters have as much as they. 3. Whether they be such subjects of such power *in foro exteriori, quantum Episcopi reduplicative*? 4. Whether as such, they be such a subject by Divine Institution? For solution hereof, its to be considered: 1. That except there be an Universal consent, and the same clearly grounded upon Scripture, both what a Bishop is, and, 2. That made evident, that his Title is of Divine Institution, the affirmative cannot be proved, 2. That though a Bishop could be clearly proved to have the power of Ordination and Jurisdiction, yet it will not follow from thence, that he is the primary subject of that power. For the negative, many things may be said: 1. Neither the papal, nor the English Bishop, so far as the one derives his power from the Pope, and the other from the Crown, can be the primary subject of this power; the secondary they may be. 2. For such as derive not their power from Pope or Prince, if they be the primary subject, they must be such, either severally every one in his several Diocess, or joyntly in a Synod. If severally, then every one is a Monarch in his Diocess, and so the government of the Church is Monarchical: and every several Bishop supream and independent.

pendent. And if so, where are our Arch-Bishops, Metropolitans and Patriarchs? And, why do we dispute against the Monarchical Government, and not grant to *Bellarmino* and others, that it is Monarchical in general, though we deny the Pope to be the sole Monarch. If joyntly in a Synod, or Council provincial, or national of one Nation and several Provinces, or several Nations, or general: then they are not such as Bishops, but either as members of the Synod, or as delegates. If as members of the Synod, and none can be members but Bishops, as Bishops; then the government of the Church is purely Aristocratical, and then its worse then a pure Monarchy, where there can be but one Tyrant; whereas, in a pure Aristocracy, there are usually many Tyrants, or at least it proves an Oligarchy. And in this respect, neither can a provincial Council be subject to a antional, nor a national to a general. If as Delegates they have this power, as in general Councils they are, then they cannot be the primary subject. And all these, if they will make their cause good, they must prove, which they can never do, that none but Bishops have right of suffrage in Councils.

3. If their title be good it must be grounded either upon Scripture, or universal and perpetual custom: but from neither of these can it be proved, as shall appear hereafter. For by Scripture its evident, that the Church was made by Christs institution the

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immediate and primary subject; and so confessed by Bishops, by many great Scholars, and by general Councils too. The first Church, which was made such a subject, included the Apostles, who, in their ordinary capacity, were but parts and members, though eminent members of the same. 4. If any shall say, that Bishops as Officers of the Church, are the primary subject of this power, that implies a contradiction, because if the power of all Officers, as Officers is derivative, and as the Apostles being Officers of Christ, derived their Apostolical Power from Christ; so if Bishops be Officers of the Church, they derive their Power from the Church, which is the primitive subject.

SECT. 10. Though both the Definition, and the Institution of a Bishop be uncertain, and there is no Universal consent in respect of either: yet I think, a constant Superintendent trusted with an Inspection, not only over the People, but the Presbyters within a reasonable Precinct; if he be duly qualified, and rightly chosen, may be lawful, and the place agreeable to Scripture; yet, I do not conceive that this kind of Episcopacy is grounded upon any divine special Precept of Universal Obligation, making it necessary for the being of a Church, or Essential Constitution of Presbyters. Neither is there any Scripture which determines the Form, how such a Bishop, or any other may be made. Yet it may be ground-

grounded upon general Precepts of Scripture concerning Decency, Unity, Order, and Edification; but so, that Order, and Decency may be observed by another way, and Unity, and Edification obtained by other means. But there are many in these our days, which make Episcopacy invested with power of Ordination at least, of that necessity, that if Ministers be not ordained by them, they are no Ministers. They make the being of the Ministry, and the power of the Sacraments to depend on them: and they further add, that without a succession of these Bishops, we cannot maintain our Ministry against the Church of *Rome*. But, 1. Where do they find in Scripture any special Precept of universal and perpetual Obligation, which doth determine that imposition of Hands of the Presbytery, doth essentially constitute a Presbyter; and that the imposition of Hands, if it did so, was invalid without an Hierarchical Bishop, or a certain constant superintendent with them. And if they will have their Doctrine to stand good, such a Precept they must produce, which they have not done, which I am confident they cannot do. 2. As for Succession of such Bishops, after so long a time, so many Persecutions, and so great Alterations in the Churches of all Nations, its impossible to make it clear: *Eusebius* himself, doth so preface unto his Catalogue of Bishops, that no rational man
can

* Lib. 3. c.
3, 4. Tit. de
prescript.
adversus
hereticos.

can so much as yield a probable assent unto him in that particular: But suppose it had been far clearer, yet it could not merit the force of a divine Testimony; it would have been only humane, and could not have been believed but with a probable Faith. Nay, * *Irenæus*, *Tertullian*, *Eusebius*, and others, do not agree in the first and immediate Successors of the Apostles, no not of the *Roman Church*. For *Irenæus* makes *Clemens* the third, whom *Tertullian* determines to be the first from the Apostles. Yet they all agree in this, that the Succession of Persons, without Succession of the same Doctrine was nothing. *Tertullian* confesseth, that there were many Churches which could not shew the Succession of Persons, but of Doctrine from the Apostles, and that was sufficient. And the Succession of Persons is so uncertain, that whosoever shall make either the being of a Church, or the Ministry, or the power of the Sacraments depend upon it, shall so offend Christ's little ones, and be guilty of such a scandal, as it were better for him, that a Mill-stone were hanged about his neck, and he cast into the Sea. The power of saving mens Souls depends not upon Succession of Persons according to humane Institutions, but upon the Apostolical Doctrine, accompanied by the divine Spirit. If upon the exercise of their Ministerial Power men are converted, find Comfort in their Doctrine, and the Sacraments, and

at their end deliver up their Souls unto God their Redeemer; and that with unspeakable Joy, this is a divine confirmation of their Ministry, and the same more real and manifest than any Personal Succession. To maintain the Ministry of *England* from their Ordination by Bishops, and the Bishops by their Consecration according to the Canons of the Council of *Carthage*, was a good Argument *ad hominem*; yet it should be made good (as it may be) by far better Arguments, and such as will serve the Interest of other Protestant and reformed Churches, who have sufficiently proved their Ministry legal, and by Experience, through God's Blessing upon their Labours, have found it effectual. But suppose the Succession of our English Episcopacy could be made good since the Reformation, it's to little purpose, except you can justify the Popish Succession up to the time of the Apostles, which few will undertake, none (I fear) will perform. Divers reasons persuade me to believe they cannot do any thing in this particular to purpose, but amongst the rest this doth much sway with me, that there can be no Succession without some distinct and determinate form of Consecration and Ordination, and except this form be determined by a special precept of Scripture, it cannot be of divine Obligation. But any such special precept, which should prescribe the distinct forms of Consecration and Ordination we find
not

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not at all. We have some examples of constituting Church-Officers by Election, with the imposition of Hands and Prayer; yet this was common to all, even to Deacons. So that the very forms of making Bishops and Presbyters, as we find them, both in the English Book of Ordination, and the Pontifical of *Rome* are meerly Arbitrary, as having no particular ground, but at the best only a general Rule in Scripture, which leaves a liberty for several distinct Forms. If any, notwithstanding all this, out of an high conceit of Episcopacy, will refuse Communion with such Churches, which have no Bishops, and yet are Orthodox, or will account those no Ministers, who are ordained by Presbyters without a Bishop; let such take heed, least they prove guilty of Schisms. The substance of all this is, That Bishops are not the primary subject of the power of the Keys.

CHAP.

CHAP. XII.

Whether Presbytery, or Presbyters be the Primary Subject of the Power of the Keyes.

IN divers parts of *Europe*, where Episcopacy hath been abolished, Presbytery did succeed; and that (as it is asserted by many) upon such grounds as will prove it as pure an Aristocracy as that of Episcopacy was. The parties indeed have been changed, and instead of Bishops we have Presbyters; and though the former impari-
sect. 1.
 tity be taken away, yet the form of Government, which is Aristocratical, remains. I have formerly heard many complain, that the Bishops had cast off the Presbyters: and now some do not like it well, that the Presbyters have cast off the Bishops, yet both do seem to agree to exclude the people, as distinct from the Clergy, engrossing the whole Power to themselves. These pure Aristocratical Forms have for the most part proved dangerous, especially in the Church, because they do much incline unto Oligarchy, and usually degenerate into the same.

But to observe some Order; I will, 1. Ex-
sect. 2.
 amine what these Presbyters are. 2. Whether

ther these being known, can according to Christ's Institution be the Primary Subject of this power. 3. Add something concerning our English Presbytery. 1. These Presbyters are of two sorts. 1. Some are preaching. 2. Some are not preaching, but only ruling Presbyters or Elders. The former are trusted with the Dispensation of the Word and Sacraments, the latter are not. Both have the same Name, and are Elders, yet differ much in respect of their Ecclesiastical being. Of the preaching Elder, I shall speak more at large in the second Book in the Chapter of Ecclesiastical Officers. This word Elder, we do not find used either in the Old or New Testament in an Ecclesiastical sense, before we read it in the *Acts*: and after that we find it used about fifteen times in that kind of Notion. The first place is *Acts* 11. 30. the last, 1 *Pet.* 5. 1. Except we add that of 2 *John* 1. In many of these places, the word doth signifie a preaching Elder and Minister of the Gospel, and that most clearly and evidently; and if in any place it doth signifie some other Elder, it will be most difficult, if not impossible to define what he should be. Yet this Elder which is presupposed to be distinct from the Minister of the Gospel, is said to be an Officer of the Church; which together with the preaching Presbyter hath power of Jurisdiction in Ecclesiastical Causes. To prove that there is such an Elder, and that of Di-

vine Institution, three places are principally insisted upon; and these I find discussed, and expounded. 1. In the *London Divines*. 2. Before them in *Gillaspie*. 3. Before him in *Gerfome*, *Bucerus*, and they all go one way. The first of these we read, *Rom. 12. 8. He that ruleth with diligence*, that is, let him that ruleth, rule with diligence; where, he that ruleth must be a ruling Elder distinct from the preaching. But, 1. The word *Προεσθμενος* doth not properly signifie a Governour, or Ruler invested with power of Command and Jurisdiction, but a prime person set above, before, over others for inspection, guidance, and due ordering of Persons, Things, or Actions. 2. Suppose in this place it should signifie one invested with Jurisdiction; how doth it appear that it is such a Ruler Ecclesiastical, as is distinct from a preaching Elder? There is nothing in the place to evince it. 3. Seeing a Minister of the Gospel is a Ruler in Discipline, as is by themselves confessed, how may it be proved that the person here meant is not the preaching Elder, though not as a preaching Elder, but a Pastor over a Flock? For it must signifie him alone, or him joyntly with that other kind of Elder. For if both be Rulers, both must rule well. 4. It cannot be demonstrated, that the place speaks of Discipline at all. For the place speaks of Gifts, whereof one person may have many, and his Duty is to exercise them all for the Edification of the Church.

Sect. 3.

The second place is, 1 Cor. 12. 28. Where the word translated *Governments*, must signifie this Ruling Officer, distinct from the preaching Elder. But first, We find the word *κυβερνητης* taken for to signifie a Pilot, *Acts* 27. 11. and the same word in the Septuagint used in the same signification, *Ezek.* 27. 28, 29. and *Jonah* 1. 6. when the Hebrew word is *חבל* *Chobel*. In them also I find *תחבולות* *Tachbuloth* six several times to signifie Counsels or Wisdom, and translated in four of these places *κυβερνητης*, as *Prov.* 1. 5. c. 11. 14. c. 20. 21. c. 24. 6. And though it be true, that Wisdom and Counsel are necessarily required in a good Governour invested with Power, yet always they are essential to a good Counsellor, and without them he cannot give good direction. But 2. If we parallel the 28. 29, 30. *verses*, with the 8. 9, 10. *verse* of the same Chapter, we shall find that *Governments* signifie such as have the gift of Wisdom. 2. Let *Governments* be Governours, and the same Ecclesiastical, will it follow that they were ruling Elders distinct from preaching and ruling Elders? Are there none other kind of Governours but these? 3. This place doth not speak of external Government and Discipline, but of the Gifts of the Spirit, given for the good of the Church. And I never knew rational and impartial Schollars ground so great an Office upon so weak a Foundation, and argue from such an obscure place in respect of

Job 37.
12 *Prov.*
c. 12. 5.

of this Eldership. Its far from proving any Divine Institution of such an Office, as it doth not so much as imply it.

The third place is, *1 Tim. 5. 17. Let the Sect. 4. Elders that rule well, be counted worthy of double honour, especially those who labour in the Word, and Doctrine.* From hence they infer that there are ruling Elders, which labour in the Word and Doctrine, and others which do not. This presupposeth, that *μαλιστα* turned especially is taken here partitively. Yet that cannot be proved. For it may be added rather to signifie the reason why, then the persons to whom, as distinct from other ruling Elders, double honour is due. For in the Assembly it was alledged, that the participle in the Original here, as in other places includes the Cause. And then the Sense is, Let the Elders that rule well, be counted worthy of double honour, especially because they labour in the Word and Doctrine, which seems to be the genuine sense: and agrees with that, *Esteem them very highly in Love for their Works sake, 1 Thel. 5. 13. 2. Double Honour*, which is Maintenance, is not due to ruling Elders, who preach not the Gospel. For the Lord Ordained, that they which preach the Gospel, should live of the Gospel; they which do, not they which do not preach the Gospel, *1 Cor. 9. 14. 3. Suppose it could be proved from this place, that there were ruling Elders distinct from such as preach, How will it*

appear from hence, what their place was in the Church, and what their Power, and what their Work? Yet put all these places together, they cannot prove the Divine Institution of such an Office, with the power of Jurisdiction in Causes Ecclesiastical, for we do not find any special precept making this Office universally and perpetually necessary, binding all Christian Churches to observe it.

Scct. 5.

But let us suppose such an Officer, the Question is, Whether the Elder with the preaching Presbyters be the *αρχὸν δέκλινον* of the power of the Keyes *in foro exteriori*. That they are not the immediate subject, is evident. 1. From the same reason why Bishops are not. For Christ gave the power to the Church, the whole Church, as shall be manifest hereafter; but the Elders are not the whole Church. 2. If they be the primary subject, then they are such as Officers or Representatives; but neither of these ways can they be such a subject. The disjunction is good, except they can give us another consideration, according to which they may have this power in this manner. The *Minor*, which is, that neither as Officers, nor as Representatives can they be the primary subject, is thus proved: 1. Not as Officers. For the power of an Officer, though Universal, as these are but Elders of particular Congregations, is always derivative, and therefore he cannot be the first subject of that power, which is derived

derived from an higher Cause. Upon this ground, Mr. *Hooker* takes his advantage against Mr. *Rutherford*, and the seven dissenting Brethren against the Assembly. As for Mr. *Hooker*, he seems to take for granted, as he endeavours to prove, that Jurisdiction belongs unto an Officer as an Officer. But this cannot be true, 1. Because there are Officers who have no Jurisdiction, as Censors, Sheriffs, Constables, and many other in the State, and Deacons in the Church. 2. Suppose some Officers have Jurisdiction, yet they are not the first subject of it. 3. He supposeth, as the Dissenting Brethren do, that every Officer is fixed in, and related only unto a single Congregation, whereas its evident, and Mr. *Parker* confesseth it, that there may be Officers, which joyntly take the charge of several Congregations both for Worship and Discipline, as in the *Netherlands*, and this agreeable to the Word of God. Yet even these, much more such as are fixed to several particular Congregations, can have no power out of those Congregations, whereof they take charge, whether severally of one, or joyntly of many. In this respect his Argument is good against such as affirm, that power of Jurisdiction belongs to Officers as Officers, and in particular to Elders as Elders. Yet both the Assembly and Dissenting Brethren confound, and that in the arguing the power of the Ministry, with the power of out-

ward Discipline, which ought not to be done. But the principal thing is, that Officers, as such, cannot be the primary subject of power, for that belongs to them who make them Officers.

Sect. 6.

As they cannot have it as Officers, so they cannot have it primarily as Representatives. They may have power as Officers, they may have it as Representatives, yet not in this high manner or degree. For all Representatives derive their power from the Body represented. To clear this point, we must observe, 1. That many several Congregations, which in respect of Worship, are so many several bodies distinct, may associate and become one for Discipline. When they are thus associate, the power is first in the whole, and derived from the whole unto the parts, and from the parts unto the whole; as in a single Congregation, the power is in the whole, and every single Member, even the Officers are subject to the whole, which makes Officers, and gives them their Power. 3. That in this Association of many Congregations, when they Act in a Synod, or Representative, the parties which make up the Representative, do not act as Officers, though they be Officers in the several Congregations but as Representatives. Neither as Representatives of several Congregations, severally considered, but as joyntly united in one body to represent the whole. As in a Parliament many Members are Officers,

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yet do not act as Officers, but all joyntly act as one Representative of the whole body. 4. When many Congregations united in one body, for to set up one Independent Judicatory, do act by a Representative, the whole body of these Congregations, not the several Congregations are *Ecclesia prima*, and the Representative, or Synod is the *Ecclesie orta*. 5. That the power of Discipline doth not issue from the power of Teaching and Administration of the Sacraments. For then none but Ministers should have the power of the Keyes, and not any could be joyned with them, because they have their power by Vertue of the Ministerial Office.

Yet the Authors of *Jus Divinum Regi- Sect. 71*
minis Ecclesiastici do affirm, that the ruling and preaching Elders are the primary subject of this power, and endeavour to prove it, and that by several Arguments; all which may be answered by the very stating of the Question. For they seem to me, for to confound *Ecclesiam constituen-*
dam & constitutam, Officers ordinary and extraordinary; calling immediate and mediate; the Government of the Universal Church, and particular Churches, *forum*
interius & exterius; *Statum & exercitium*. Though the matter is clear enough, yet I will examine two of their Arguments. The first is this;

All those that have Ecclesiastical Power, and the Exercise thereof immediately committed to them from Jesus Christ, are the immediate Subject or Receptacle of that Power.

But the Church Guides have Ecclesiastical Power, and the Exercise thereof immediately committed unto them from Jesus Christ.

Therefore they are the immediate Subject, or Receptacle of that Power.

For Answer hereunto, we must understand, 1. What this Power Ecclesiastical in the Question is. 2. What kind of Subject is here meant. 3. What these Church-guides are. 4. What immediate Commision from Christ may be ; for that's the *medium* or third Argument. 1. This Ecclesiastical Power is not that Universal and Supream Power which is in Christ ; nor the extraordinary Power of extraordinary Officers, as Apostles and others. It's an ordinary Power of a particular Church, and the same as Universal and Independent in respect of such a Church. It's a Power *in foro exteriori* for outward Government. It's a Power supream of making Canons, constituting Officers, and passing Judgment without Appeal, or from which there lies no Appeal. 2. The Question is

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concerning the Subject of this Power, which Subject may be primary, or secondary; here the primary must be understood. 3. Church-guides, as they understand them, are ruling and preaching Elders. 4. Immediate Commission from Christ is, when Christ immediately gives power to any person, and by that Donation designs him without any act of Man intervening. Thus Paul was designed * an Apostle, not of * Gal. I. I. Man, not by Man, but by Jesus Christ; this immediate Commission is extraordinary. These things premised make it evident. 1. That the Terms of the Syllogism are more then three; because the words are so Ambiguous. 2. Suppose the words to be clear, and the terms but three, yet the Minor is denied. 1. Because by Church-guides are meant Elders, who are ordinary Officers of particular Congregations, and therefore can have no immediate Commission in proper sense. 2. Though they should be immediately commissioned, as they are not, yet the premises are insufficient to infer the conclusion. Their drift and design is, to prove that they have all their power from Christ alone, and not from the Church. But they must know, that as they have their Office, so they have their Power. They have their Office from the Church immediately, from Christ *mediate Ecclesia*. For they are chosen, tryed, approved by the Church, and so designed to such an Office by the Church, and can

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Whether Presbytery or Presbyters be the primary exercise the power of Discipline as Officers in no Church, but where they are Officers. Again, the conclusion it self might be granted, if by Ecclesiastical power they meant Official power, and yet nothing to purpose, because the thing in question is not proved, nor so much as mentioned in the conclusion. Yet they endeavour to prove the *Minor* from 2 *Cor.* 10. 8. where the Apostle speaks of the Authority which the Lord had given them. But 1. What Authority was this? Interpreters say, it was Apostolical, and so extraordinary. 2. Whether Apostolical or not, yet it was their Authority to Preach the Gospel, as appears *verse*, 16. This is not the power of Discipline, the thing in question. The rest of the Scriptures alledged to prove the *Minor*, speak either of the power of Officers and power extraordinary, or of the power as Ministers. Only *Matthew* 18. 17, 18. is to be understood of the power of Discipline, yet that place determines the Church, not the Elders to be the primary subject; and this is directly against them, as shall be shewed hereafter.

Sect. 8. A second argument is this:

All those, whose Ecclesiastical Officers for Church-Government under the new Testament, are instituted by Christ before any formal visible Christian Church was gathered or constituted, they are the first and imme-

immediate subject of the power of the Keyes from Jesus Christ.

But the Ecclesiastical Offices of Christs own Officers were so instituted.

Therefore they are the first subject of the Keyes.

Cap. 11. p. 183. of the second Edition.

Answer. 1. I find in this Syllogism four terms. For in the *Major* according to their own exposition, the Officers were such, as that not only their Offices were instituted, but that at the same instant made Officers by Christ, before any Christian Church had being or existence. These Offices and Officers were extraordinary, p. 184. In the *Minor*, they include not only these Offices and Officers, but those of future times, which were not extraordinary. 2. If they rectifie the Syllogism, and understand the *Minor* only of such Officers, as were actually in Office before there was any Christian Church, and then they argue *a specie ad genus*, and infer a general from a particular. 3. How will they prove that ruling Elders, distinct from preaching Presbyters, were instituted by Christ or the Apostles, by vertue of a special precept of universal Obligation. 4. The Question is, not of Official Power, either Ordinary or Extraordinary. 5. Upon perusal of the Scriptures alledged to make good this argument, it will appear, they confound Officers and power Extraordinary and Ordinary, the Church

Whether Presbytery or Presbyteres be the primary Church in fieri & facto, power universal and particular.

ect. 9.

Hitherto I have enquired into the nature of Presbytery, and examined, whether it can be the primary subject of Church-power *in foro exteriori*; it remains I say something of the English Presbytery, which was 1. Intended. 2. Upon the advice of the Assembly modelled. 3. Now in some parts of the Nation practised according to the book of Discipline. For this end we must observe.

1. The Nation was formerly, and of old for civil Government divided into Counties, and the same division now retained for Discipline. For the Parliament thought it not good to follow the division of Provinces and Diocesses. The Knights of the several Counties chose certain Ministers for the Assembly, who with some Members of both Houses give their advice in matters of Doctrine, Worship and Discipline: which was so far effectual as the Parliament should approve. The discipline approved is made probationer for three years, declared and published in nine Ordinances. The first whereof was agreed upon, about Aug. 28. 1644, The last, Aug. 28. 1646.

2. Before this model could be finished, there was much debate and contention, especially between the dissenting brethren and the Assembly. For though by the Covenant the Discipline ought to be reformed according to the Word of God, and the

the best reformed Churches, yet there was not the agreement which ought to have been. For both parties pretended to make the Word of God the Rule; yet some thought the government of the Kirk of *Scotland*, some that of *New-England* to be the best and nearest to the Word, and most conformable to that infallible Rule: So that, though at the instance of our English Commissioners, that clause (according to the Word of God) was inserted, yet it proved not effectual to determine the Controversie, because their judgments were so different.

3. In this Model, the first work is to make Officers, and determine their power.

4. The first Offices were called Tryers, who (upon the division of several Counties into a certain number of Precincts called Classes; which consisted of certain secular and Ecclesiastical persons, whose names were certified to the Parliament) by the Parliament were allowed, and from the Parliament received their power.

5. These were Extraordinary Officers, and their first, and chiefest work was upon Election, Examination, and Approbation to constitute Congregational Eldership.

6. These once constituted, were invested with power; for the exercise whereof, the Parliament determines. 1. Their Courts. 2. The parties subject to their power.

power. 3. The causes belonging to their Cognisance. 4. The manner of proceeding. 5. The Acts of Jurisdiction.

7. As for their Courts, they 1. Make them to be Congregational, Classial, Provincial, National. 2. Define the number of the persons, how many must be of the Quorum. 3. They subordinate the Inferiour to the Superiour, and all to the Supream, which was the Parliament. 4. They determine the times of their Sessions, which of the Inferiour Courts were more frequent, of the Superiour more seldom. 5. The order of Appeals is from the Inferiour to the Superiour.

8. The parties subject to their Jurisdiction, were all in their several precincts.

9. The Causes were not Civil or Capital, but Ecclesiastical, especially ignorance and scandal.

10. Their manner of proceeding was upon Information, Summons, Confession, Conviction by Witnesses.

11. The Acts of Jurisdiction were Suspension, removal from Office or Sacraments, receiving and restoring. The matter and substance of these Ordinances, was enlarged and more distinctly and orderly declared in the Book of Discipline, one thousand six hundred forty eight.

Sect. 10.

This Model, though imperfect, had something of the ancient primitive Discipline; in many things was agreeable to the gene-

general rules of Scripture; and if exercised constantly by wise and pious Men might have done much good, especially in preventing ignorance and scandal for time to come. Yet it had many enemies, as the Prelatical and Episcopal party, because it was not a Reformation, but an abolition of Episcopacy. The dissenting Brethren liked it not, because it extended so far beyond the Congregational bounds, took in whole Parishes, did not require a sufficient qualification of the Members, and subordinated Congregations, and Inferiour Assemblies to the Superiour and Greater. The prophane and ignorant were against it, because it called them to account, and required knowledge and a stricter kind of life: and this was a commendation of it. Some approved it not, because it was so like unto, and almost the same with the Kirk Discipline of *Scotland*. Many were offended with it, because of the ruling and lay-Elders, as some call them. Besides, it was set up in the time of the bloody War, and without the Kings consent, who was a great enemy unto it. Neither were the Statutes of the former Discipline repealed. Though some did but assert the *Jus Divinum* of it, yet that was not made so clear as to satisfy many, no not the Parliament it self. Though the Ordinances and the book of Discipline require it to be generally put in practice, yet no man was eligible for an Officer that had not taken the national

onal Covenant, yet that was not generally imposed or taken : nor could any but a Covenanter have any Vote in the Election. As the institution of it was an Act of the Civil Power in the Parliament without the being, so, it reserved the chiefest power unto it self, and to futute Parliaments: and it would not trust the Ministry or the Elders with it. And there might be several reasons for it: 1. First, after Reformation began, end ever since our separation from *Rome*, the Ecclesiastical power was restored to the Crown. 2. In times of Popery the Church, and especially the Pope and Clergy, had encroached and entred too far upon the Civil Power. 3. The general Assemblies of *Scotland* were thought too much independent upon the Crown, and to have too great an influence upon the State. 4. That seeing the Church required the assistance of the State, it was judged necessary, that it should so far depend upon the State as it required the help of the State. Yet, if the Discipline had been the pure and simple form instituted by Christ and his Apostles, there had been no cause of these jealousies, no need of these policies. By all this its evident, that the Presbytery of *England* could not be the primary subject of the power of the Keyes, because they received their institution from the Parliament, which reserved the chiefest power unto it self. Its true, that there was something Ecclesiastical in it, yet even that

that depended upon the Civil Power more than upon an Ecclesiastical Assembly, or representative, though general.

CHAP. XIII.

That the Government of the Church is not purely Democratical, but like that of a free State, wherein the Power is in the whole, not in any part, which is the Authors judgement.

Señ. I.

THAT the power of the Keyes is not primarily in the Pope, nor in the Civil Sovereign; nor in the Prelate; nor in the Presbyter; not in both joyntly as in a pure Aristocracy, hath been formerly declared. It remains, we examine the peoples title as distinct from that of the Bishop and the Presbyter, as they are *formaliter & eminenter cives Ecclesiæ*, parts of a Christian Community, The people and number of Believers thus considered, are rather *Plebs*, than *Populus*. To understand this its to be considered that in a Christian Community there are neither *Optimates* properly, nor *Plebs*. There may be and are, as you heard before, such as are incompleat and virtual members, as Women, Children and other weak Christians, who are not fit to have

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any Vote in the Publick Affairs of the Church, much more unfit to exercise and mannage the power of the Keyes. There are also compleat members, and amongst these some more eminent than the rest. To place the power in the inferiour rank, or to make that party predominant, is to make the government Democratical. And this opinion is not worth the confutation, because its not only disagreeing with plain Scripture, but with the rules of right reason. In this regard they are generally rejected. Some charge *Morellius* and the *Brownists* with this error, but I have not seen their Books. The Learned *Blondel* may seem to be of this mind, because he placeth the power in *Plebe Ecclesiastica*. But upon due examination, it will be found otherwise. Mr. *Parker*, who asserts the Government in some respect to be Democratical, rejects *Morellius*, yet he himself cannot be altogether excused. For he will have the Government to be mixt, and partly Democratical in the People, partly Aristocratical in the Officers or Governours. He further explains himself, and saith, its *Democraticum quoad Statum* for the Constitution, *Aristocraticum quoad exercitium* for the Administration and Exercise of the Power. * For he distinguisheth between the Power, which is in the whole Church, and the Dispensation or Exercise thereof, which is in the Governours or Officers: who he saith, have not all the power of dispensation, because

* De polit.
Ecclesiastica.
ca. l. 3. c.
7. p. 26.

cause the Church reserves so much as is convenient, and belonging to her Dignity, Authority, and Liberty given her of Christ. But this is a mistake in Politicks and the general Rules of Government. For a State is mixt or pure in respect of the Constitution, not the Administration: and the Question is not concerning the secondary, but the primary subject of power, which the Officers deriving the power from the whole Church cannot be, for they have it only at the second hand: as he himself confesseth. I will not examine his many arguments, because there is none of them *ad idem*, and to the purpose or point in hand: and they all and every one, as he misapplies them, presuppose an error. For they all should be limited to the Fundamental Power in Constitution, but here Power of Constitution, and of Administration are confounded; as also the power of the Church with the power of Officers.

After the examination of all these Titles, Sect. 2. I proceed to deliver mine own judgment, and to make good the Title of my Mother the Church. For I believe this to be the truth in this point, *That the primary subject of the Power of the Keyes is the whole Church.* For order sake I will. 1. Explain the proposition. 2. Confirm the same. In the Explication I will inform the Reader. 1. What I mean by the power of Keyes. 2. What by the whole Church. 3. How, and

and in what manner I understand the whole Church to be the primary subject of this power.

1. This power is not the power of Civil Sovereigns, nor of Officers, as Officers, Civil or Ecclesiastical *in foro exteriori*, or of Ministers, as Ministers, nor the Universal Power of Christ, nor the Extraordinary power of Apostles, or any other Extraordinary Officers, but it is an Ordinary power of making Canons, of constituting Officers, of Jurisdiction and other Acts, which are necessary for the outward Government of an Ecclesiastical Community, committed unto, and conveyed upon the Church by Christ.

2. By the whole Church, is not to be understood the Universal Church militant and triumphant, nor the whole Church mystical; nor the whole Church militant and visible of all times, nor of the visible Church of all Nations, existent in one time, but a whole particular Church visible in some certain place and Vicinity, that shall be fit to manage the power of the Keyes independently: as the Church of *Jerusalem*, of *Antioch*, of *Corinth*, of *Ephesus*, of *Smyrna*, &c. Those, who determine the Series or order of appeals to ascend from a Congregation, to a Classis, from a Classis to a Provincial Synod, from a Provincial to a National, of one Nation to a National of several Nations, or from that unto an Oecomenical or General Council,

Council, extend the whole Church far further than I do. As for the Papal party, they presuppose all particular Churches to make but one visible Church, not only for Doctrine and Worship, but for outward Discipline too : and the Church of *Rome* must be the Mother and Queen of all other Churches in the World : yet they differ about the primary subject of the power of the Keyes. Some determine the Pope as *Peters* Successour, to be the visible Head and Universal Monarch of this Church. Others, as the Councils of *Constance* and *Basil*, *Cameracensis*, *Gerson*, and the faculty of *Paris*, give this power to the whole Church to be exercised in general Councils. Mr. *Ellis* doth charge some of our own who affirmed this power to be in the Universal Church with Popery : and Mr. *Hooker* conceives he hath demonstrated Learned and Judicious Mr. *Hudson* to be guilty of the same, but he is mistaken, as since is made evident. These two cannot possibly be reconciled whilst they proceed upon contrary principles. Mr. *Hooker* of *New-England* understands by a visible Church, such a Church as is under a form of external Discipline, and subject unto one independent Judicatory ; but neither Mr. *Hudson*, nor others of his mind understand any such thing. There is an Universal visible Militant Church on Earth : this Church is truly *Totum integrale*, and also an Organical body ; the Head and Monarch

narch is Christ; all Ministers Officers, all Believers Subjects: the Word and Sacrament privileges, and every Christian either by Birth or Baptism according to Divine Institution, is first in order of nature a Member of this Universal or Organical Body, before he be a Member of any particular Church or Congregation, and is so to be considered. And many, if not all the places of Scripture alledged by Mr. *Hudson*, are truly understood to speak of this Universal Church: though some of them seem to be affirmed only of the Church mystical, as such, yet so that in divers respects they may agree to both. This cannot be Popery, neither doth it presuppose any point of Popery or other error. The grand error of the Papist in this particular, is, to affirm that one Church particular is above all Churches in the World, not only in dignity but in power, so that all particular Churches must be subject unto her, and her Bishop invested with universal Jurisdiction. To subject the Universal Church Militant in one body to Christ, can have no affinity with this. And to subject every particular Church to the Universal, exercising her power in a Representative, is no such error, nor so dangerous as that of the Sovereignty of *Rome*. And though there be no such thing, because the distance is so great, that the Association is impossible, yet the Pope and his party did abhor to think of it.

it. That Question about visible and invisible is but a toy to this. The Church therefore, which is the subject of the Question is, a Church, a particular Church, a whole particular Church. Yet there is a particular Church primary and secondary: primary is the Church considered as a community, and a secondary Church by way of Representation. The primary is the proper subject of real power, the Representative of personal. Whether this Church be Congregational, or of larger extent shall be examined hereafter.

3. Thus you have heard. 1. What the power is. 2. What the subject is. Now 3. We must consider in what manner this power is in this primary subject. Its not in it Monarchically, nor Aristocratically, nor Democratically, or any pure way of Disposition, but in the whole, after the manner of a free State or Polity. For there *Universi præsunt singulis, singuli subduntur universis*, so its here. All joyntly and the whole doth rule, every severall person, though Officer, though Minister, though Bishop, if there be any such, is subject to the whole, and to all joyntly. And in this Model the power is derived from the whole to the parts, not from the parts to the whole, though this Community should consist of ten thousand Congregations. This power is exercised in the highest degree by a Representative general, in an inferior degree by Officers or inferior As-

semblies: Upon this principle, though in another manner, the Councils of *Basil* and *Constance* did proceed against the Pope, as being but a part, though an eminent part, as the times were then of the Church. Yet this proposition is not so to be understood, as though this Church were the first Fountain and Original of this power, for she is not; she derives and receives it from Christ, as Christ from God. But she is the primary subject in respect of her parts and members.

Sect. 3.

For the confirmation of this Proposition, I will, 1. Examine two places alledged by Mr. *Parker* and many others, for to manifest the Original of Church-discipline, which I conceive are not so pertinent. 2. I will most of all insist upon the words of Institution. 3. I will enlarge upon those places which speak of the exercise of this power; that from the manner of administration we may understand the constitution. The two places are, *Matthew* 16. 19. and *John* 20. 22, 23. The first is concerning the promise, the second concerning the donation of the power of the Keyes, as they are by many expounded. The words of the promise are these, *I will give unto thee the Keyes of the Kingdom of Heaven, &c.* Many and different are the interpretations of this place, as given by Writers, both Ancient and Modern; Popish and Protestant. The difference is in two things especially. 1. What this power should be. 2. To whom

whom it was to be given. The power with many is the power of Discipline *in foro exteriori*, with others the power of a Minister, as a Minister. 2. The person to whom this power is here promised no doubt is *Peter*; but under what notion *Peter* must be considered, is here the Question. Some will have it to be *Peter* as a Monarch and Prince above the rest of the Apostles, including his Successors, the Monarchical Bishop of *Rome*. Some will have *Peter* here considered as the mouth and representative of the Apostles, and in them, of all Aristocratical Bishops as their Successors. Some will have him to represent the Ministers, some the Elders; some the Church it self. And these again divide, and cannot agree, whether this Church here meant be the Universal Church, or a particular; if Universal, whether Universal mystical, or visible: if visible, whether this be the Church it self, or a Representative of the same; if Representative, whether it must be represented by Bishops only; or by Bishops and Presbyters; or by Presbyters alone; or by Bishops, Presbyters and People. If a particular Church, whether it be Congregational, or Diocesan, or some other: so that from this pronoun *THEE*, we have Chymical extractions of all sorts of Governments, Ecclesiastical, pure and mixt, Monarchical, Aristocratical, Democratical: of all kind of Churches, as Universal, National, Congregati-

gregational : of all kind of Governours, as Popes, Bishops, Presbyters, the People. Yet I conceive this place is not meant of Discipline, but rather of Doctrine. The Church is the Universal, against which the gates of Hell shall not prevail; the Keyes are the Word and Sacraments, accompanied with the power of the Spirit. As building is conversion and edification, so binding and loosing admission into, or exclusion out of this Church. The Architect and chief Master builder is Christ, as he is the principal Agent in binding and loosing. His Servants and co-workers are Apostles and Ministers of the Gospel, amongst whom *Peter* was most eminent amongst the *Jews*, *Paul* amongst the *Gentiles*. For Christ used *Peter* first to convert the *Jews*, *Acts* 2. then to convert the *Gentiles*, *Act*. 10. And *Paul* laboured more abundantly than them all. The binding and loosing in Heaven, was the making of their Ministry by the power of the Divine Spirit to be effectual. To this purpose *D. Reynolds*, *Spalatensis*, *Causabon*, *Cameron*, *Grotius* with divers of the Ancient, and *Mr. Parker* himself, who notwithstanding applies this, to the power of Discipline, intending thereby to prove the power of the Keyes to be Democratically in a Congregational Church. Yet let it be supposed that *Peter*, as receiving the Keyes, doth represent the community of Believers : Or if as such he represent them, how will it appear that

that this Church or community is a single Congregation? Or if it be such a single Congregation, how will it follow from hence that the power is in this Congregation Democratically? Mr. *Parker* should have considered that there is a great difference.

1. Between *Peter*, as professing that Christ was the Son of the living God (for as such He was only a Disciple admitted by Christ into his Kingdom) and *Peter* receiving the Keyes (for as such he was above a Disciple, and hath power to admit others into this Kingdom) not as a Disciple, but as a Minister of the Gospel.

The place for actual donation and performance of the former promise, is said to be that of *John* 20. 22, 23. The words of Christ, the Donour are these, *Receive ye the Holy Ghost, whosoever sins ye remit, they are remitted unto them, and whosoever sins ye retain, they are retained.* These have been alledged, as by him, so by others to prove.

1. The power of the Keyes *in foro exteriori.*

2. That this power is in the Bishops alone.

3. That the Priests have power upon auricular confession to absolve: and here they ground their Sacrament of Penance, and their sacerdotal power *in foro pœnitentiali.*

From hence some of ours have endeavoured to prove the parity of Apostles, and so of Bishops against the Popes Supremacy: for here they find the power promised only to *Peter* by name, given to all the Apostles. For to understand these words the better,

better, we must observe in them Donation, and in it the Donour, the *Donee*, the Power, the Acts of the Power, the ratification of these Acts. The Donour or Person giving is Christ: the parties receiving this power immediately are Apostles, as Extraordinary Servants and Officers: the thing given and received was the Holy Ghost, that is, Ability and Authority, Divine and Spiritual, necessary and requisite for the place: the Acts were remitting and retaining, the same with binding and loosing, *Mat. 16. 19.* The ratification of these Acts, was the making them effectual by the concurrence of the Divine Spirit. For these Acts could not be Spiritual and Divine, and so powerful upon the Immortal Souls of Men, nor the Apostles so much as Ministerial and Instrumental Agents in this work without a Divine Power and Confirmation of the Supream Judge, making their Sentence valid and executing the same. Hence that sweetest Joy and admirable Comfort of those who are Remitted, and the Terroures and Torments of those that are Condemned. These Acts are performed by the Word and Sacraments, and the Application of the Promises or Communications to particular Persons; which Application is made either more at large to a Multitude at one time, or to single Persons upon some Evidence of their Qualification; and it may be made infallibly so far as God shall direct infallibly, or fallibly, for want of clear

clear Evidence, in which Case the Sentence must be passed conditionally by Man, though absolutely by God. All this is nothing to external Discipline, or if it should extend so far, the party remitting and retaining are not the Church, but the Officers of the Church, and the Officers of a Church not under a form of outward Government, but under another Consideration. An Ecclesiastical external Common-wealth doth presuppose an Ecclesiastical Community, and the same consisting of Believers, and the same united and associated for Worship and Divine performances tending to Eternal Salvation: and those thus Associated may have Communion in Divine Things and Actions, and their Pastors with their Flocks, before any form of Discipline be introduced or settled, and these Believers may by Word and Sacraments receive Heavenly Comfort, and attain Eternal Life without such Discipline, and before it can be established amongst them, and so I hope it is at this time in this Nation, with many a faithful servant of God, who by the benefit of a good Ministry, with God's Blessing upon their Labours, are truly converted, and continue, and go on in a state of Salvation as happily, as many who are under a form of Government. And here it is to be observed, 1. That though the Apostles were extraordinary Officers infallibly directed by the Holy Ghost, which Christ gave them, yet ordinary Ministers

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lawfully called and succeeding them, if they preach their Doctrine truly, have a promise to convert and save the Souls of sinful Men. 2. That the Work of these ordinary Ministers is not only to feed the Flock of Christ already gathered, but to convert and gather Sinners unto Christ; and this not by the Rod of Discipline, but the Word of God, which is the Power of God unto Salvation. 3. This gaining Souls to Christ is not the gathering of Churches out of Churches, and Christians out of Christians to make a party of their own, under pretence of a purer Reformation, but it's a far more excellent Work and of another kind, tending directly to an higher end. 4. After a Minister becomes a Pastour of a Flock, and hath relation unto them as his Flock, and they to him as his People, he must needs have some Power over them, and they must be subject unto him, and obey him in the Lord, and he hath power to remit Sins; to shut and open, and what he doth in this kind, according to his Commission, will be made good in Heaven. Yet these Acts of his are not Acts of External Discipline, but of his Ministerial Office, as he is a Servant to Jesus Christ. This I speak not against Discipline, which if agreeable to the word of God is a great Blessing; but against all such, who under pretence of this or that form of Church-Government, disturb the Church, and discomfort and discourage many

many a precious Saint of God. The end of this is to manifest, that these places of Scripture, *Mat. 16. 19. John 20. 22, 23.* are no grounds whereon to build Church-Government.

Because former places are not so pertinent, I proceed in the next place to the Words of Institution of Church-discipline, you may read them, *Mat. 18. 17, 18.*
** De exteriori foro ibi agitur, Exterioris fori * Tort, Tor.*
jurisdictio illo, nec alio loco, fundata est. That's p. 41.
 the only place for the Institution and no other saith Dr. *Andrews*, in that most learned and exact piece far above his other Works. To understand this place we must observe,
 1. The Parties subject to this Tribunal. 2. The Causes proper to that Court. 3. In what manner and order Causes are brought in and prepared for Judgment. 4. The Judge. 5. The Acts of Judgment upon Evidence of the Cause. 6. The Ratification of these Acts, and so of the Power. 7. How this Ratification is obtained, and the Judgment made effectual. 1. The party subject to this Tribunal is a Brother. *If thy Brother offend thee, verse 15.* This may be explained from *1 Cor. 5. 11.* But, now I have written unto you, not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, &c. There are covetous Persons and Idolaters of the World, *verse 10.* and Fornicators and Idolaters which are called Brethren: The former are without, the latter within the

the Church. The former are subject to the Judgment of God, but not of the Church, the latter are subject to the Judgment of the Church, *Do not thou judge them that are within.* So that the Subjects in this Commonwealth are Brethren, Disciples, such as profess their Faith in Christ.

2. The Causes are Spiritual and Ecclesiastical, and must be considered under that Notion. For it's a Trespass, an Offence committed by a Brother, as a Brother, against a Brother as a Brother; whether it be a wrong against a Brother, or a sin, whereby a Brother is offended, grieved, displeased. For, if a Brother be a Fornicator, or Idolater, &c. he must tell the Church and not the State; he must be made as an Heathen or Publican, if he will not hear the Church, this is no Sentence of the State or Civil Judge, it's made good in Heaven, so is not the Judgment of the Civil Magistrate; It must be the Judgment of a Brother as a Brother within the Church, which the Church, as a Church, must judge, and in the name of Christ, not of the Civil Sovereign, and the Party offending must be delivered up to Satan, not to the Sword. Yet one and the same Crime may make a person obnoxious, both to the temporal Sword of the Magistrate, and the spiritual Censure of the Church, and may be justly punishable and punished by both, though some of our English Lawyers have delivered the contrary, who
might

might ground their Opinion upon Ecclesiastical Supremacy of the King, For tho' the Laws of *England* might determine so, yet the Laws of God and Christ do not.

3. The manner and order of proceeding, is, 1. Privately to admonish; and if that take effect, to proceed no further. 2. If upon this the party will not reform, he must be charged, and convicted before two or three Witnesses; and if he shall persist impenitent, then he must be convened before the Ecclesiastical Tribunal upon Information and Accusation; and the same once made good, and evident, the Cause is ripe & prepared for Judgment.

The Judge in the fourth place is the Sect. 6. Church; *Tell the Church*, where we must know, what this Church is. The word in the Greek is *ἐκκλησία*, and we find it used in the Old Testament about seventy times by the Septuagint, who so often turn the Hebrew *קָהָל* by that name. Upon perusal of the places we shall find that it signifies Assemblies, and of many kinds, as good, bad, holy, prophane, greater, less, festival, civil, military, Ecclesiastical and Religious, occasional, standing, orderly, confused, ordinary, extraordinary. It's observable, that very seldome (some say but once, as *Psal.* 26. 5.) it signifies a wicked and prophane Society. Sometimes, not often, it's a Military body. But most of all by far (a few Texts excepted) it notes an holy and religious Convention or

Assembly. For sometimes it's a National Polity of *Israel* under a sacred Notion; and very often a religious Assembly for Prayer, Fasting, Dedications, renewing their Covenant with God, Praises, Thanksgivings, and such like Acts of Worship, so that the word seems to be appropriate unto Religious Assemblies; and though it signifie other Societies, yet these most frequently and principally. And this is confirmed from the New Testament, where its used a hundred and eleven times at least, and in all these places signifies an Assembly or Society Religious, except in *Acts* 19. 32, 39, 41. where it signifies both a tumultuous, and also an orderly Assembly, or Society, or Convention, as a civil Court of Judgment, which signification is here applied by our Saviour to a Spiritual Judicatory for Spiritual Causes. Though this be a special signification, yet it signifies the number and Society of Believers and Disciples, who profess their Faith in Christ exhibited, and this is this Church-Christian, and the People of God. Yet it signifies this People under several Notions, as sometimes the Church of the *Jews*, sometimes of the *Gentiles*, sometimes the Universal Church, sometimes particular Churches, sometimes the Militant Church, either as visible or mystical, sometimes the Church Triumphant, sometimes a Church before any form of Government be introduced, sometimes under a form of Government; so it's taken and supposed by
our

our Saviour here. *Grotius* his Conceit, that our Saviour in these words allude to the manner of several Sects & Professions, as of *Pharisees*, *Sadduces*, *Essenes*, who had their Rules of Discipline, and their Assemblies and Convention for the practice of them, may be probable. Yet without any such Allusion the place is plain enough from the context and other Scriptures. *Erastus* upon the place is intollerable, and most woefully wrests it; so doth Bishop *Bilson* in his Church-Government, and is point-blank contrary to *D. Andrews*, who in his *Tortura Torti*, doth most accurately examine, interpret, and apply the words, and most effectually from thence confute *Bellarmino*. One may truly say of that Book, as he himself said of *Austin's* Treatise *De Civitate Dei*, it was *opus palmarum*. For Civil, Common, Canon-Law, Politicks, History, School Learning, the Doctrine of the *Casuits* Divinity, and other Arts, whereof he makes use, it is one of the most learned and accurate of any put forth in our times. By his Exposition of this Text, he utterly overthrows the immediate *Jus Divinum* of Episcopacy in matters of Discipline, and Ecclesiastical Jurisdiction. He plainly and expressly makes the whole Church the primary subject of the Power of the Keys, *in foro exteriori*. Therefore suppose the Bishops were Officers by a Divine Right, as he endeavours to prove (tho' weakly) in his Letters to *Du Moulin*, yet at best they can be but the Churches Dele-

gates, for the exercise of that Power. And it is observable, that divers of our Champions, when they oppose *Bellarmino's* Monarchical Government of the Church, peremptorily affirm the Power of the Keyes to be in the whole Church, as the most effectual way to confute him, yet when they wrote against the *Presbyterian*, and the *Antiprelatical* party, they change their Tone, and Tune. But to return unto the words of Institution, 1. The word *Church* here signifies an Assembly. 2. This Assembly is an Assembly for Religion. 3. The Religion is Christian. 4. This Assembly is under a form of External Government. 5. This Government presupposeth a Community, and Laws and Officers Ecclesiastical. These presupposed, it's a juridical Assembly, or a Court. 6. Because Courts are Inferiour, Superiour, and Supream, it signifies all, especially Supream. 7. It determines no kind of Government but that of a free State, as shall more appear hereafter. 8. Christ doth not say, *Dic Regi*, tell the Prince or State; nor *Dic Petro*, tell *Peter* or the Pope, as though the Government should be Monarchical, either Civil or Ecclesiastical; nor *Dic Presbytero*, tell the Elders; nor *Dic Apostolis & Episcopis aut Archiepiscopis*, that the Government should be purely Aristocratical; nor *Dic Plebi*, that the Government should be purely Democratical; nor *Dic Synodo*, tell the Council general or particular. But it saith, tell the

the Church, wherein there may be Bishops, Presbyters, some Eminent Persons neither Bishops nor Presbyters : There may be Synods, and all these either as Officers, or Representatives of the Church; and we may tell these, and these may judge, yet they hear and judge by a power derived and delegated from the Church, and the Church by them, as by her Instruments, doth exercise her Power. As the body sees by her eye, and hears by the ear, so it is in this particular, but so, that the similitude doth not run on four feet, nor must be stretched too far. This being the genuine Sense favours no Faction, yet admits any kind of Order, which observed may reach the main end. For this we must know, and take special notice of, that Christ will never stand upon Formalities, but requires the thing, which he commands, to be done in an orderly way. Yet it's necessary, and his Institution doth tend unto it, to reserve the chief Power in the whole Body, otherwise if any party, as Bishops, or Presbyters, or any other part of the Church be trusted with the power alone to themselves, they will so engross it, as that there will be no means, nor ordinary jurisdiction to reform them. Of this we have plain Experience in the Bishops of *Rome*, who being trusted at first with too much Power, did at length arrogate as their own, and no ways derived from the Church, and so refused to be

judged. For if the Church once make any party the primary subject of this power, then they cannot use it to reduce them. Therefore, as it is a point of Wisdom in any State to reserve the chief power in the whole Community, and single out the best and wisest to exercise it, so as, if the Trustees do abuse their power, they may remove them or reform them; so it should be done in the Church. If any begin to challenge either the whole, or the Supream power as Officers, many of these, nay the greater part of them may be unworthy or corrupted, and then the Church is brought to straits, and must needs suffer. Some tell us, that the King of *England* by the first Constitution was only the Supream and Universal Magistrate of the Kingdom, trusted with a sufficient power to govern and administer the State according to the Laws: and his chief work was to see the Laws executed. Yet in tract of time they did challenge the power to themselves as their own, and refused to be judged. Yet in this Institution, if *Peter*, if *Paul*, tho' Apostles do offend, much more if Patriarchs, Metropolitans, Bishops, Presbyters, do trespass, we must tell, not *Peter*, not *Paul*, not an Apostle, not a Bishop, not any other but the Church. No wit of Men or Angels could have imagined a better way, nor given a better expression to settle that which is good and just, and prevent all parties and factions, and yet leave a

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sufficient latitude for several orderly ways to attain the chief end.

The Judge being known, the Judicial Sect. 7.

Acts of this Judge must be enquired into in the fifth place, and these are two: the first is binding, the second loosing. For all Judgment passed upon any person is either against him, and that is binding, or for him, and that is loosing. The former is called binding, because it more strictly doth bind him to suffer that punishment, to which he was liable upon the Transgression of the Law. There was an Obligation upon him, 1. To Obedience. 2. Upon Disobedience there follows a Guilt, which is an Obligation, to Punishment. 3. Judgment doth continue this Obligation, and makes the Punishment unavoidable: The latter is a loosing, because upon some condition performed, it frees him from the punishment, and the bond of guilt. Of this binding there be several degrees. For as in a Civil Government, there be several degrees of punishment, according to the several degrees of the offences, so it's in the Church. One of the highest punishments and degrees of binding, is to make one as an Heathen and a Publican. These words are differently understood, and expounded. *Grotius* thinks, that our Saviour in them did not intend Excommunication. Many take it for granted, that to be censured and judged an Heathen and Publican, is to be cast out of the Church and excom-

* *Vignierus*
de excom-
municati-
one venato-
rum.

municated. And from these two words *Heathen* and *Publican*, divers, and amongst the rest * *Quinqueecclesiensis*, and D. *Andrews* do observe a twofold Excommunication. The one is the greater, and that is to be as an Heathen ; the other the less, which is to be as a Publican. The Heathen was out of the Church, the Publican was not. The Heathen might not, the Publican might come into the Temple ; the Heathen were strangers to the Common-wealth of the *Israel*, and were *Loammi* the Publican, being a *Jew*, was in the Church, but like a scandalous Brother. Whether this distinction be here intended or no, it's certain, 1. That there are degrees of Ecclesiastical as well as Civil Penalties. 2. That by this being as an Heathen and Publican, is meant an Ecclesiastical not a civil punishment, in matter of Religion. 3. Both were deprived of Ecclesiastical Communion. In the text, *If he will not hear the Church, let him be to thee as an Heathen and a Publican*: Three things are to be observed, 1. The Penalty and the Execution. 2. The Sentence to be Executed. 3. The Crime or Cause. The Execution is to account him as an Heathen and a Publican, which is not to take away his House, Lands, Goods, Civil Liberty, Life: but to separate from him, and have no Communion with him in matter of Religion and Spiritual Society, and to testifie their dislike of him by shunning his company. 2. The sentence

is the judgement of the Church, whereupon this Separation and Non-communication is grounded. For, the Church must judge and pass the sentence, before we can have any sufficient warrant for refusal of society.

3. The crime or cause must be made evident before the Judge pass Sentence: and it is not only the trespass or offence, but impenitence manifested to the Ecclesiastical Judge. Not to hear the Church is for the guilty Brother; not to confess and reform upon the Churches publick admonition. This puts him in an immediate capacity of condemnation and punishment. But more of Ecclesiastical censures in the second Book.

The Ratification of this sentence of the Church, which is the sixth thing, followeth in these words, *Whatsoever ye shall bind on earth, shall be bound in Heaven, &c.* which are added, as *Hillary* saith well, *in terrorem metus maximi*, to strike a terrour into the hearts of all such as shall make themselves liable to the censures of the Church. Yet they are not only for terrour, but for the sweetest consolation of the penitent absolved by the Church; and so also for the encouragement of the Church to proceed in Discipline against the greatest. For though she hath not the sword, nor any coactive force to imprison, fine, banish, put to death, and the prophane and worldly wretches do not fear her censures, yet her censures shall be executed from Heaven, and

sect. 8.

and be more terrible than any punishments inflicted by sword of civil Sovereigns. This Ratification includes two things: 1. That when this judgment is once past according to the Rules of Christ, the supream Judge doth approve and decree it to be irrevocable. 2. That he will by a Divine and never failing power execute it; so that neither can any appeal, or complaint of a nullity make it void, nor any contrary strength or force hinder the execution. In this respect, *Hillary* saith, its *Judicium immobile*, and cannot be reversed; *Hierom*, that its corroborated and cannot be infringed. *Tertallian*, that its *Prejudicium ultimi judicii*, and stands good, as that ever shall.

Sec. 9.

The means whereby this Ratification is obtained, and the manner how it is effected, come in the last place to be observed. The means is their consent and prayer. For if two of them shall agree on earth, as touching any thing that they shall ask, it shall be done for them by my Father which is in Heaven; which words do signifie that they should agree upon the sentence, and pass the same with prayer. The manner how it comes to pass to be effected is, that when two or three of them are gathered together in Christs name, he will be in the midst of them, *ver. 20*. For its not to be done in their own name, or by their own power: but they must assemble and proceed in Christs name, and in his name give the definitive sentence.

Accord

According to this Law the Apostle gave direction in Christ's name to gather together, and with the power of Jesus Christ to deliver the scandalous person to Satan, 1 Cor. 5. 4. So that Christ will be present with them, direct them, and assist them, and the work shall be more his, than theirs.

Having 1. Examined two places not pertinent. 2. Enlarged upon the words of the Institution; I will thirdly confirm the proposition from such places as treat of the exercise of this power. 1. These are such as speak of Legislation. 2. Of making Officers. 3. Of Jurisdiction. The first of Legislation and making of Canons concerning matters controverted: As for Canons, concerning things not controverted, we find single Apostles (especially *Paul*, and he most of all in his first Epistle to *Timothy*) declaring and delivering them without any other joyned with them. The exercise of this Legislative power, we find in that famous Synod held at *Jerusalem*, *Acts* 15. The difference of the interpretations of this text is no less than of the former. For some question, whether it was a formal Synod, having power to bind, or only an Assembly for advice. Some make it, not only a Synod invested with a binding force, but judge it to be a most excellent pattern for all Synodical Assemblies in time to come: yet these are not certain, whether it was general in respect of all Churches then ex-

tant.

tant. But let it be a Synod, having a binding force, its doubted how the Canons could bind other Churches, who sent no delegates to represent them and Act for them? Whether did they bind, because it was a general Council in some consideration, or because the Apostles were in it, and acted as Extraordinary Ministers of Christ invested with an Universal power over all Churches: or because they were received afterwards in every particular Church: or because the matter was determined in Scripture, and out of it declared to be the mind of God, which seems to be implied in these words, *It seemed good to the Holy Ghost and us*, ver. 28. For all Canons should be so made as to be clearly grounded upon some special or general precepts of Scripture, which were revealed by the Holy Ghost: for they should bind more in respect of the matter, and the reason upon which they are grounded, than in respect of the multitude of Votes. For one good reason from the Scriptures is more binding than the consent of all general Councils in the World. Another Query there is, why this Controversie should be determined at *Jerusalem*, and not at *Antioch*, or any where else: whether it was, because that was the Mother-Church, or because the Apostles were there at that time resident, or because other Churches were not so fully constituted: or because there might be there representatives from
all

all other Churches: or because they, who sprang the Controversie at *Antioch*, came from *Jerusalem*, and pretended the Authority of the Apostles, and of that Church; and because it was agreed at *Antioch* to refer the cause to the Apostles and Elders at *Jerusalem*? Besides all these, there is another doubt concerning the Members, which did constitute this Synod, whether the Apostles only, or the Apostles with the Elders, or besides these the Brethren as distinct from them: or whether if all these were of the Synod, the Elders, and Brethren had any decisive voice or no? But to leave these doubts; Its certain out of the Text.

1. That upon a controversie raised at *Antioch* by some, who came from *Jerusalem*, it could not be after much disputation there ended. 2. That it was agreed that *Paul* and *Barnabas* with others of them should go unto *Jerusalem*, to the Apostles and Elders about this Question. 3. When these Delegates came to *Jerusalem*, they were received of the Church, the Apostles and Elders. 4. Upon this, and them acquainted with the controversie, the Apostles and Elders came together to consider of this matter. 5. In this Assembly, after much disputation, both *Peter* and *James* gave strong reasons, why Circumcision and the Ceremonies of the Law should not be imposed upon the believing *Gentiles*. 6. Upon these convincing reasons it pleased the Apostles and Elders and the whole Church to

to send ſpecial Meſſengers and Letters concerning the definitive ſentence of the Council unto *Antioch*. 7. The Synodical Letters, were written in the name of the Apoſtles, Elders and Brethren in this ſtile, *It pleaſed us, and ſeemed good unto us*. Divers particulars are here obſervable: as

1. That we do not read that *Paul* acted any thing as a Judge in this controverſie joyntly with the reſt of the Synod; and perhaps the reaſon might be, becauſe he was conſidered as a party: for no man, not an Apoſtle ſhould be judge and party in the ſame cauſe.
2. That the Apoſtles did not act as immediately inſpired in this particular, and according to any extraordinary, but an ordinary Eccleſiaſtical power; for there was much diſputation.
3. They did not ſuddenly and inſtantly proceed to vote the matter: but they met to conſider of it, and debated and diſputed much before they determined.
4. The determination was not grounded upon the multitude of Votes, but upon Divine Revelation and Scripture, though not expreſſly, yet by way of conſequence, as appears both from the words of *Peter* and of *James*.
5. That which is the principal thing for which this Text is alledged, is this, that the controverſie is not referred to one Apoſtle, as to *Paul* alone, or *Peter* alone, or *James* alone, but to the Apoſtles joyntly: and not to them alone, but to the Elders, nor to them and the Elders alone, but to them with the Brethren,

ren, and the whole Church. 6. That all these gave their consent ; for it pleased the Apostles and Elders, and the whole Church. If *Peter* alone had been made Judge, then the Pope, if only the Apostles, then the Bishops ; if the Elders alone, then the Presbytery ; if the Bretheren alone, then the People would have challenged every one severally the Legislative power in Synods to themselves alone. Lastly, by this we learn upon what occasion, such great Assemblies are requisite, if not necessary ; we might add, that they convened by the permission, not commission of the Civil Power.

By this you understand, how and by whom the Legislative Power was exercised. Sect. II.
Of the exercise of the second branch of power in making Officers we read, *Acts* 1. 15. For, 1. Upon the death of *Judas*, one of the sacred Colledge of the Apostles, a place was void. This was the occasion. 2. *Peter* conceives, that another must be surrogated and succeed him in that place. 3. In an Assembly of an hundred and twenty, as a Chair-man he proposeth the matter. 4. Acquaints them with the occasion of a new Election, and lets them understand the necessity of it, saying, There must one be Ordained as a Witness with us of Christ's Resurrection. The reason he concludes from these words of *Psal.* 119. 8. His Office, Charge, or Bishoprick let another take. By which words

words God signifies and commands that upon the death of *Judas*, another must take the Charge with the rest of the Apostles. 5. Upon this the Assembly proceeds without any *Conge-disler*, or Lience from any other, to the Election, and propose two, *Justus* and *Matthias*, both well qualified, and in that equality, that they knew not whether to prefer. 6. Because they could not determine whether was the fitter, nor upon a Determination give a Commission to make an Apostle; therefore by prayer and lot they refer and commit the cause to God, who chuseth *Matthias*. In this Election divers things are considerable, 1. That if *Matthias* and *Justus* were of the number of the seventy Disciples, as it's very probable, if not certain, there was an imparity between the twelve Apostles and seventy Disciples in respect of their place; yet what this imparity was, and whether it should continue in the ordinary Officers of the Church succeeding them, is not here expressed. 2. That the Election of the highest Officer in the Church, even of an Apostle was committed to this Assembly, as fit to judge of his Qualifications. 3. That none should take upon them to elect a Minister or Officer of the Church, who is not able to judge of his fitness for the place. 4. That God gives none any power to elect or ordain, and constitute any a Minister, Officer, or Representative

tive of the Church, who is not duly qualified for to do the work of the place, for which he was elected. *Justus* and *Matthias* must be able with the Apostles to bear witness of the Resurrection of Christ, &c. 5. The principal thing for the point in hand to be observed, is, that neither *Peter*, nor any of the eleven, do take upon them to elect or design any person, or persons by themselves alone, but commit it to the whole Assembly: and the whole Assembly elected, prayed, cast lots. 6. That though these persons very eminent and full of the Spirit, could and might design the persons, but not give the power of Apostleship. To this Head belongs the constitution of Deacons, *Acts* 6. Where we read of the occasion, and in some sort of the necessity of this Office. For 1. The Apostles knew there was a kind of necessity of such an Officer as a Deacon, and it was no ways fit to distract themselves in serving of tables, and neglect the great business of word and prayer. 2. That they call the multitude together. 3. They propose the matter unto them, and signifie what manner of persons Deacons should be, and commit the election of persons amongst them rightly qualified to them. 4. They elect persons fit for the place. 5. They present these persons. 6. The Apostles pray and lay hands on them. Whether they used any form of words in this imposition of Hands we do not read.

The thing principally to be considered in this business, is, that the Apostles themselves alone do not take upon them to chuse and constitute these Deacons. To this may be added, that *Paul* doth not take upon him to send the charity and benevolence of the *Corinthians*, collected for the poor Saints at *Jerusalem*, but refers it to themselves, to approve by Letters such as they would use as their Messengers, 1 Cor. 16. 3.

Sect. 12.

The third branch of the power of the Keyes is, that of Jurisdiction, which we find exercised in the Church of *Corinth*, or rather a command of the Apostles binding them, as having that power to exercise it, reproving them in that they had not done it already in a particular case, and giving directions how it should be done. Out of the Apostles directions, 1 Cor. 5. we might pick a model of Church-government: for there we have an Ecclesiastical community under a form of Government, and that is the whole Church of *Corinth*. 2. We have the members of this community, and they are the sanctified in Christ Jesus, and such are called to be Saints. 3. We have the relation of these one to another, they are Brethren, yet every particular brother subject to the whole Church. 4. We have the power of Jurisdiction, and the same in the whole body. 5. We have the power of Excommunication, and by consequence of absolution and other Ecclesiastical censures, and these in the whole Church, which

which is reprov'd, because they do not exercise it upon so great an occasion, and for so great a cause. They are commanded to purge out the old leaven, and to cast out and put from amongst them that wicked person, because they had power to judge. 6. The persons subject to this Jurisdiction, is every one that is a brother of that Church. 7. We have the causes, which make these persons and brethren of that Church, liable to censure, and they are scandals, whereof we have a catalogue, whereby we may understand by analogy others not expressed. 8. We have the form of the sentence of Excommunication, which must be solemnly pass'd in a publick Assembly convened, proceeding and passing Judgement in the Name of Christ. 9. In this Judgement we have the Apostle passing and giving his vote by Writing with the rest of that Church. 10. We find that neither the Apostle, nor they can judge them that are without, but they are reserved to Gods Judgement. 11. We have the end of Excommunication which here is twofold: 1. In respect of the party Excommunicated. 2. Of the Church and his fellow-members. In respect of the person Excommunicated, the destruction of the Flesh by some punishment for a time, that the spirit may be saved in the day of the Lord. In respect of the Body of the Church, the preservation of the same from infection of the old leaven

of malice and wickedness, that so, not only single persons, but the whole Society may be continued pure. This is the rule of Excommunication; the rules of absolution we find, 2 Cor. 2. where we may observe, first the person capable of it; and it is such an one, as having been punished by many, and the punishment proves sufficient, because by it he is grieved, humbled for his sin, in danger to be swallowed up with over much sorrow, and by Satan to be tempted to despair: in a word, when the party is penitent, and he appears really to be so. 2. The nature of Absolution, which is to forgive, and confirm our love unto him. 3. This sentence of Remission and Reconciliation must be pronounced in the Person of Christ. 4. The Persons who must pass this Sentence and see it executed, are the same who Excommunicated him: who here were *Paul* and the Church of *Corinth*. 5. The end of this Act of Judgment, which is to comfort and restore the party Penitent; yet in this you must conceive all this is to be done in an orderly, and not in a confused and tumultuous manner both for the Time, the Place, the Order of Proceeding, and the Persons who manage the Business, and denounce the Sentence. For these things must be committed to some eminent Persons, who are fit for such a work. For though all must agree, yet some must exercise the Power in the Person of the Church. We might
further

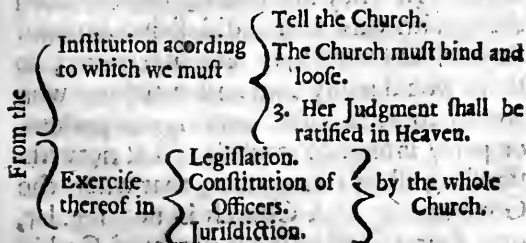
further Instance in the seven Churches of Asia. For *Ephesus*, though reprov'd for her falling from her first love, yet is commended for her severity against the *Nicolaitans*, *Rev.* 2. 6. The Church of *Per-gamos* is blamed for suffering such amongst them as taught the Doctrine of *Baalam*, and the *Nicolaitans*: so is the Church of *Thyatira*, because she suffered that woman *Jezabel*, who called her self a Prophetess, to teach and seduce Christs Servants to commit Fornication, and to eat things Sacrificed to Idols. This was the remission of Discipline and neglect of the exercise of the Ecclesiastical Jurisdiction; wherewith not only (though perhaps principally) the Angels but the whole Churches are charged.

The total Summ of all these particulars is this: That the Primary Subject of the Power of the Keyes, is the whole Church:

Sect. 13.

*The Church
the Subject
of the Keyes.*

This appears,



If any shall say, that the power is in the
U 3
Apostles

Apostles or Bishops, or Superintendants lawfully constituted, its true: if that its in the Presbyters, its so: if that its in the Brethren or People, it cannot be denied. Yet if any will argue from these places, that its in the Bishops alone, or in the Presbyters alone; or in the Brethren alone; or in the Officers or Representatives of the whole Church primarily, it cannot be true. If any say its in the whole Church primarily, in the Officers and Representatives secondarily for Exercise, that's the undoubted Truth, and must needs be granted. In all the former examples of the exercise of this power, its very remarkable, and specially to be noted, that where there was a Church, with which the Apostles (who were far, and very far above all others who did succeed them) might act, they would not act alone, but joyntly with the Elders, Multitude, Brethren; and the reasons hereof are obvious. 1. Because they would follow and observe Christs Institution. 2. Give example for future times. 3. They know that, as they, when their Faith was weak, did strive amongst themselves for priority and superiority, so there would many come after them, who would contend what person, or persons, or party should be greatest. Yet notwithstanding all this its certain, that where the Government of a Church is not regular, or a form of Discipline is not settled, God in his infinite mercy supplies these defects by an

an Orthodox, Pious, Faithful, Painful Ministry, which is the Fundamental Office of Christ, and the means of Conversion and Salvation of Mens Souls. And though we have certain clear Rules for the generals and necessities of Discipline; yet, as in extraordinary cases the Apostles did not observe them: so neither in the like cases are we strictly bound to do otherwise. If any desire the Testimony of former times and the practice of Ancient days, Fathers, Councils, Histories might be alledged, as they have been by many Learned Men of Latter times; but of any one Person *Blondel* hath done most. Dr. *Andrews* is punctual and peremptory in this right disposal of this power in the proper subject. For, after that he had spoken first of the Institution, then of the Exercise, he thus concludes, and that most pitchily, *Res ipsa, rei ipsius promissio, ratihabitio, usus deniq; Ecclesiae datur, ab Ecclesia habetur & confertur in sive unum, sive plures, qui ejus potest vel exercenda vel denunciandae facultatem habeant.* For this also he alledgeth the Council of *Constance*, *Cameracensis*, *Cusanus*, *Gersom*, and the School of *Sorbone*. *Tortura Torti*, pag. 42. The Congregational party must needs acknowledge this in general. For this is it which Mr. *Parker*, which Mr. *Hooker* of *New-England* go about to prove; but their way is certainly too Democratical, though Mr. *Parker* grants, that their Government in respect of the Exercise is

As in the
Fundamen-
tal Office
of Christ.

Aristocratical: yet that expression is no ways good. For if in proper sence any State Ecclesiastical or Civil, be Aristocratical, then the Optimates, or such as answer unto them must needs be the primary Subject, and the rest, even Officers, are Subjects, and derive their power from the Aristocratical party. But perhaps he means, that the whole Church, which he considers as Democratical, singles out the best and fittest to be Governors, and trusts them with the exercise of the power, and from them the Government is denominated Aristocratical. But in this sence all States should be Aristocratical.

Sect. 14.

For the more full and perfect understanding of this Government and Discipline Ecclesiastical, we must know and remember it, 1. That there are certain general Rules of Government, which God himself observes in his Government, both temporal and spiritual of the World, and especially in the ordering of Men and Angels. 2. These general Rules are observed by all well ordered States in the World, and in the Constitution and Administration of them we may easily find them, and without them we cannot well or fully understand their Model. 3. All those are found in many places of the Scriptures, neither without them can the Scriptures be well understood. 4. Besides the fundamental and essential Rules of Government, there are many Accidentals, according

ing to which all particular Polities may differ one from another. 5. Church-Government, as here handled, is nothing else but the application of these general and essential Rules to a particular Community and Society of Christians, whereby they may be continued in Unity, Piety, and Peace, and mutually further one another in the Way to Heaven. 6. These ends may be attained by a faithful godly diligent Ministry, without any form of outward Discipline. 7. Yet a form of Discipline established will much further, help and strengthen the Ministry in this Work, and effectually conduce to the attaining of these ends, keep Christian Societies closer together, and make them far more permanent, firm and powerful. 8. Every Christian in any Society Ecclesiastical is bound by his very Baptism, without any further Federation, to submit unto these general and essential Rules once applied. 9. That in erecting a Church-discipline, there must be a special care taken of two things chiefly : 1. Of the Constitution, that it be agreeable, especially in essentials, to Christ's Institution, otherwise men may refuse, and that justly to submit unto it. 2. Of the Administration that it be committed to the wisest and the best, who are most fit to manage it. 10. Because many of the Ministers are not qualified for this business, and there are many, no Ministers of eminent piety, learning

ing and wisdom, I see no reason why only the Clergy or Ministry, and every one of that Profession, should alone be trusted with the power of Administration, and these eminent persons excluded. Where do we find the Spirit promised only unto Ministers and Bishops? Do we not know, and by experience, that excellent Gifts, and amongst others the Spirit of Wisdom and Government are given to others, as well as to some of them? Nay, how many unworthy and unfit persons do we find entred into the Ministry? And with us, besides others, the causes thereof are, because Presentations and Admissions are granted for carnal relations, favour, gifts, good turns; and also because that Parishes are not fitly united and divided, and the maintenance in many places of great charge is very poor. Otherwise I know no reason why the Congregational Party should so much exclaim against Parishes. For the work of Ministers is not only to edifie Believers, but also to endeavour the conversion of Heathens and Publicans, especially in their particular Assignations. For, if these division parochial were duly made, Parishes might be very fit Assignations for the work and maintenance of the severall Ministers, and the same agreeable to the general Rule of Decency and Order. II. In the Constitution and Administration of particular Churches, neither the practise of Christ nor his Apostles,

possibles, much less of the Primitives times can be any binding Rule. For 1. Christ and the Apostles did many extraordinary things, which we neither may, nor can do. 2. Divine Precepts, either general or special, are the only Rule which we are bound to follow. 3. They did many things as the present times, and the condition of persons and places required, which may not be done by us or any other, except we have the same power, and in the like case. 12. In the Constitution of a Church, or in the Reformation of the same, much and dangerously corrupted, many things may be lawfully done, which under a well-setled Government will prove very unlawful. For though, where there is no outward form of ordinary Vocation and Ordination established, that which *Volkelius* maintains against *Swinglius*, for one that is *vitæ inculpatæ & idoneus ad docendum*, to take upon him the charge of a Minister, and do Christ what service he is able, may be lawful. Yet to do so, where there is an Eutaxie in a settled Church must be unjust, because amongst other things, such an one shall transgress the Rule of Decency and Order. 14. Though Christ and his Apostles did deliver unto us all the essential and fundamental Rules of Church-Government, and we find them in the Scripture, yet many accidentals were left to sanctified reason to be directed to the gene-

general Rules. And in this respect, we must make use of our Christian prudence, both in modelling and reforming of Christian Churches. But if we stand upon these Rules of prudence in accidentals and circumstantial, as of Divine Institution and Obligation, we cannot be excused. 15. Though there may be several orderly ways and means to attain the chief end of Church-discipline, yet those are the best, which most observe the essentials of Government, and the general Rules, and are most effectually conducing to that end. 16. Seeing therefore there may be several and different means in respect of accidentals, and they severally may attain and reach the end, it's the duty of us all, 1. To unite our selves in the bond of Charity. 2. Observe the fundamental and essential Rules of Government, which are clearly known. 3. With a meek, humble and pure heart seek out such particulars, as are not yet made clear unto us, and wherein we may differ for the present, till at length we may satisfy one another.

CHAP.

CHAP. XIV.

Of the extent of a Particular Church.

AFTER the examination of the several Sect. 1. Titles of such as challenge the supream Power of the Keys, and the declaration of mine own Judgment, the third thing proposed was the Extent of a particular Church. That there is a supream power of the Keys; that there is a primary subject of this power, that this power is in the Church; that it's disposed in this Church in a certain order and manner in one or more, purely or mixtly, few, if any, will deny. But that it is disposed in the whole Church, after the manner of a free State, so that every particular Christian Community, is the primary subject of it, is not so easily granted, though I conceive it, as many other worthy and excellent men do, to be truth delivered unto us by Christ and his Apostles. Yet let this be agreed upon, yet there is another difference concerning the bounds and extent of this Church. This is not the proper place, I confess, to handle this particular. For extent presupposeth a Church constituted and in being, and it's an accident of the same: therefore *pars subdita*, which is the second integral part, as of

of a State, so of a Church, should first have been spoken of. In this point I find a threefold difference: for some extend this Church, which is the primary subject of the power of the Keys, very far, and make it to be the universal Church of all Nations: Others confine it to be a single Congregation: A third party will admit of a Diocess, or a Province, or a Nation, and be contented to stay there. This Question, if we understand it, presupposeth Union and Communion. There is an Union and also a Communion in Profession and Worship, an Union Mystical, an Union in Government external, which we call Discipline. An Union in Profession and Worship there is and ought to be of all Orthodox Christians in the World. For they all profess the same Faith, and worship the same God in Christ, hear the same Word, celebrate the same Sacraments. It's true; they do not, neither can they so meet in one place, as to partake of the same individual Ordinances; for there is no necessity of any such thing. Yet, whosoever shall refuse to joyn in the same individual Worship of the same God in Christ, according to the Gospel, when it may be done, as when one converseth with Christians in some remote parts, he cannot be free from Schism. For all refusal of Communion with Christ's Saints and Servants, without just and sufficient cause is a Schism. So if
any

*Who guilty
of Schism.*

any party or persons shal not admit of other Christians only upon this account, because they agree not with them in some accidentals, which are neither necessary, nor in themselves considered, conducing to Salvation, they must needs be Schismatics. For any Separation, which hath not sufficient and evident warrant from some Divine Precept, is unlawful. There is a mystical Union of all true Believers; for, there is *one body, one spirit, one hope of calling, one Lord, one faith, one baptism, one God and Father of all, who is above all, through all, in all*, Ephes. 4. 4, 5, 6. There is an Union for Government external, of this the question is to be understood. And this Union is so necessary in every Common-wealth, whether Civil or Ecclesiastical, that it's no Common-wealth, if it be not one, and so one, that every particular person, especially in a Church, be subject to one and the same supream independent Judicatory. Concerning the universal Extent there are, as you heard before, two Opinions: They first make one Church, the Church of *Rome*, to have power over all other Churches, and invests the Bishop of that Church with an universal power of Legislation and Jurisdiction, this is a Popish Errour indeed. The second Opinion subjects all particular Churches to the universal, whereof they are but parts: this is no Popery, nor do the present Popes and Church of *Rome* like

Who Schismatics.

like it. This universal Church cannot act but by a general Representative, and such a general Representative there yet never was, since the Church was enlarged from Sea to Sea, and from the River unto the World's end. Such a general Council and Court either standing, or occasional, few, I think, do expect. As for the Councils of *Nice*, *Chalcedon*, *Ephesus*, *Constantinople*, they were no such Councils; nor general in proper sence; they were confined within the *Roman Empire*; and, if well examined, they left out several parts of that too. The meaning therefore of some, who submit particular Churches to the universal, is this: That so many several parts and particular Churches, as can combine in one Synod, may in some extraordinary cases, and difficulties, especially if they be of general concernment, submit unto such a Synod, as being of greater authority and ability, if rightly constituted. Yet, if these particular Churches have their proper independent Judicatories, this submission is but a voluntary act, and rather like a Reference or Transaction, than any Appeal. When, and in what cases such References are fit to be made, I will not here enquire. Besides these Universalists, if we may so call them, who extend the bounds of this Church too far, there are others who confine it to a too narrow compass, as many do conceive; they

they determine it to be a Congregation : Of this judgment was Mr. *Parker*, a learned man in the Reign of King *James* ; in our times the dissenting Brethren, and their party, which follow their Principles, and put them in practise to this day. They were called the dissenting Brethren, because in the Assembly of Divines for Advice, they dissented from the *Presbyterian* party : Afterward, they were called *Congregationals*, because they confined the Church to a Congregation ; and *Independents*, because in their single Congregations they erected an independent Judicatory, and challenged an independent power of the Keys, as due by the Institution of Christ, to every single Congregation gathered by them. But let their names be what they will, and the reason of their names what they shall please, lets consider the thing it self. And before the Question can be discussed to purpose, we must enquire, 1. What their Congregation is. 2. How they are gathered. 3. Whether this narrow compass be grounded upon Scripture or no? For the nature of a Congregation, as they seem to take it, Mr. *Parker* gives in a clear account. For with him, 1. A Congregation is a Multitude of Christians, which may ordinarily and conveniently assemble in one place to communicate in the Ordinances of God. 2. He confesseth that the Essence thereof doth not consist in the

act of assembling: for then upon every dissolution and parting of the Company assembled, it would cease to be a Church. Yet Mr. *Hooker* prevents this caution as needless, for he makes those, whom Mr. *Parker* calls Christians, and himself visible Saints, to be the matter and confederation, either explicit or implicit to be the form: and this federation ties them together, not only when they assemble, but at other times too. This is that which Mr. *Parker* calls Union by Convention. Yet, 3. He adds, that though they ought to be no more numerous, than may ordinarily assemble in one place, yet they may and sometimes do meet severally, and have several Ministers, who severally officiate in several Assemblies, and take charge of the whole Church in common. But 4. They have but one Consistory. He instanceth for this last in the *German Churches*, and the Cities of *Holland*, *Polit. Eccles. lib. 3. sect. 1.* 2. Whether this be the notion of a Church with the present Congregational party or no, I know not. I have much desired to have seen something, wherein all that party agrees in, made publick, to satisfie such as desire to know their minds. By this Definition, they exclude Parishes or parochial Churches, which are united under one Minister; Diocesan Churches united under one Bishop; Provincial Churches united under one Arch-bishop and Metropolitan.

tan: Yet both of them Mr. Parker, and Mr. Hooker might easily have known,
 1. That neither the Parochial, nor Dio-
 cesan, nor Provincial Church was account-
 ed the primary subject of the power of
 the Keys, as they affirm their Congrega-
 tion to be. 2. That a Parish is not now,
 nor with understanding men ever was tak-
 en for a Congregation Christian, as a
 Parish in a civil notion. For therein may
 be Heathens, Jews, Mahumetans, Schisma-
 ticks, Hereticks, Apostates. But, it's called
 a Church or Congregation Ecclesiastical
 in respect of the Minister, and those Chri-
 stians of that Precinct, who ordinarily as-
 semble to perform the acts of Divine
 Worship. 3. If the name Church may
 be given to a few Christians in one Fa-
 mily and House, as it is, *Philem. 2. Col. 4.*
15. I know no reason but it may be gi-
 ven to a number and society of Christians
 in one Parish; where, by reason of Vi-
 cinity and Co-habitation, they may or-
 dinarily and conveniently meet together
 for divine Service, which some of their
 Congregations cannot do.

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Congrega-
tion Chri-
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*What
Church the
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the Keys.*

The manner of gathering these Con-
 gregations is not in the same Vicinity, or
 elsewhere to convert Heathens, or Jews,
 or Mahumetans, or Papists to make them
 Christians. Though no doubt some of
 them, being pious and learned men, if
 providence give them occasion, would in-
 deavour to do it. But they gather Chri-
 stians,

Sec. 2.

stians, Protestant Christians from amongst Christians, and such as they find fitted to their own hand without any pains of theirs, but by the sweat, and labour, and care, and prayers of some other faithful Pastours and Ministers of Christ, under whose hands they formerly have been, to whose charge they have been committed, and under whose Ministry God hath prospered them. These amongst others, they either perswade to be of their Congregations, or if they offer themselves voluntarily, they admit them, and this to the great grief of their own faithful Pastours. When they accept of these, they neither teach them any new Article of Faith, which formerly they professed not; nor press upon them any new Duty according to the Commandments of Christ, which is either necessary or conducing to Salvation. There is no essential of Christianity which they can superadd to what they had before: Only, if ceasing to be Episcopal, or Presbyterian, or Parochial, they are willing to confederate with them, to walk after their manner, and be of their party, they are willing to receive them. If this be their manner of gathering Churches, as it's well known it is with some, I dare say they have no Example, much less any Precept in the Scripture for it. They admit indeed of some, which are very unworthy, and such as many *Presbyterians* would not accept, with

with hope that upon their solemn covenanting they will prove better. I do not write this out of partiality, or prejudice; for some of that party are my special Friends, and I dearly love them; some are pious, prudent, and learned, and I honour them much: Yet I desire them seriously to consider what they do, and also so far as they can to forecast, what is likely to be the issue, if they do not unite more firmly amongst themselves, and combine with other pious Ministers, and people of God, both in Worship and Discipline. For they may make perhaps five hundred, or encrease to a thousand independent Congregations; and can any wise man imagine that these can continue long without some Subordination, and certain Rules of a former Union? And can this be consistent with the interest of any Christian Civil State? If they be searching out some better way, according to the Rules of Christ, with a sincere resolution to fix upon it, when it's once found, as some of them do intimate they are, their proceedings are more tolerable. God hath fearfully punished divers of their Congregations, and they have been divided amongst themselves, and some of their Members fallen off, and have proved far worse than ever they were, whilst they continued under their own pious Ministers.

But to come to the principal thing, which is their Congregational Extent, for to that narrow compass they confine that Church, which must be the primary subject of this power. The Question is not, whether some Congregations, in some cases, may be the subject of this power in this degree; nor, whether every well constituted Congregation may not have and exercise Discipline within themselves, for some particulars? For this will be granted them. For both the *Presbyterian*, and also the *Parochial* Congregations and *Vestries* did so under the *Bishops*. But, whether their Congregations gathered in their manner, be this primary Subject, and this according to any precept of Christ? Or, if we leave out that restriction of *being gathered in their manner*, whether by any institution and precept of Christ the independent power of Discipline doth *αὐτῶν ἐπὶ τοῖς* primarily belong unto a Congregation? For if it do, then it belongs in this manner to them, and them alone as single Congregations, and to no other Association of Christians. And if any other Association do assume it, they transgress a precept of Christ, which is of universal and perpetual Obligation. For to prove the affirmative, Mr. Parker makes use of the words *Synagoga* and *Ecclesia*, as most commonly taken in Scripture. And the dissenting Brethren instance in the first Apostolical Churches. Mr. Parker's first

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Argument is taken from the signification of the words *Ecclesia* and *Synagoga* in Scripture: And, 1. He presupposeth that these signifie a Congregation. 2. That a Congregation is an Assembly meeting in one place. 3. Hence he infers, that *nulla Ecclesia prima, quæ non Congregatio*. His meaning is, that if the people of any Precinct, as of a Diocess, or Province, exceed the bounds of a Congregation, so that they cannot conveniently and ordinarily meet in one place, they are not that first Church to which the power of the Keys doth primarily and originally agree. And he alledgeth for this purpose Dr. Reynolds, saying, That in every place of the Old and New Testament, *Synagoga Ecclesia est*, and as well *Synagoga* as *Ecclesia*, when they are said to speak of a Congregation political, signifie only an Assembly meeting in one place, *Polit. Eccles. lib. 3. sect. 3.* For answer hereunto, it will be sufficient to examine the signification of these words, as used in the Scripture; and by that we shall see whether the Argument from the signification of the word be good or no. To this end it may be observed, that the word *Synagoga* is used by the Septuagint a hundred seventy times, if not above, in the Old Testament; under $\eta\gamma\gamma$ we find it an hundred and twenty times; and in the first eight places, it signifies the Congregation of all *Israel*, which consisted of six hun-

dred thousand fighting men, besides women and children, as *Exod.* 12. 3, 6, 19, 47 verse, and *chap.* 16. 1, 2, 9, 10. *Judges* 20. 12. It's an Assembly of four hundred thousand at least. The word *קהל* is 37 turned *Συναγωγή*, a Congregation; and in the three first places an Assembly or Congregation of Nations; as *Gen.* 29. 3. 35. 11. 48. 4. *Cyrus* his Army gathered out of many Nations, is, *Kahal Synagoga*, *Jeremy* 50. 9. So the vast Army of *Gog and Magog* is, *Synagoga*, a Congregation, *Ezek.* 38. 4. Again, as *Synagoga* may signifie a Congregation of many thousands, and a far greater number than *Mr. Parker's* Congregation, so the word *Ecclesia* is used under the word *Kahal* seventy times, as formerly upon another occasion was noted: and in the first place it signifies the Congregation of all *Israel*, both in *Levit.* 8. 3. and also *Deut.* 18. 16. It many times signifies the Assembly of *Israel*, sometimes a general Representative. In the New Testament, *Heb.* 12. 23. it's the general Assembly of the first-born, which are written in Heaven. *Eph.* 4. 22. it's that body, whereof *Christ* is Head; and *Chap.* 2. 20. that building, whereof the Apostles and Prophets are the foundation, and *Christ* the chief corner-stone. From all this it's clear, that the words *Ecclesia* and *Synagoga* signifie, besides Civil and Military, Ecclesiastical Assemblies, and the same either political or local; and the place is either particular, or special, or gene-

general; in which sense a whole Region and vast Country may be one place. So that one fallacy, 1. is in the word *place*; 2. another in the word *Assembly* meeting in one place: For, 1. The Assembly and Meeting may be rare and extraordinary, as the words do divers times signifie, as is evident, and this cannot agree to Mr. *Parker's* ordinary and convenient Meeting. 2. They signifie Assemblies meeting in far greater numbers than in his Congregation. For, the number of persons which made up divers of these Assemblies, were thousands, nay hundreds of thousands; as four hundred thousand, five hundred thousand, nay millions and whole Nations. And if so, then they who stand for a National Church, will desire no more; the Provincial and Diocesan party will be content with fewer. Again, the words sometimes signify a political Society, consisting of such persons, as shall never meet together in one place, except at Christ's right hand, and in the place of Glory. So that if the former distinction used in stating the question, be remembred, and the question be understood thus, That some Congregations, such as Mr. *Parker* describes the Church to be, may sometimes in some respect be the subject of an independent power of the Keys, then these places are not much against him. But if he understand it so, that if any Church exceed the bounds of his

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his Congregation, of so many as may ordinarily and conveniently meet together; it's not of Christ's Institution, nor can be the primary Subject of this power, then his Argument a *nomine ad rem*, from the word to the thing, is no Argument. But, suppose the words should always signify one Congregation, which may ordinarily meet in one place, which yet they do not, how will it follow from any of those places, that such a Congregation, and none other is this primary subject.

sect. 5. His second Argument is taken from the description of the Church as represented to *John* the Divine, *Rev. 4*. For he takes it for granted, that the Church there mentioned, consisting of twenty four Elders, and the four Beasts, was a congregational Church; or rather that the Church there was a Congregation in his sence. *Ans.* But, 1. Let it be granted that there is a description of a Church, and the same Christian visible, yet it will no ways agree to his Congregation. For, 1. There is an allusion made to the Congregation of *Israel*, pitching in four Squadrons under four several Ensigns, as the Ensign of *Judab* was a Lion, and three Tribes under every Ensign, with the Priest and *Levites*, encamping next the Ark between it and the Squadrons. This was a Congregation, as you heard before of 600-000 Men, besides Women and Children. 2. This Congregation of the four Beasts, and

and twenty four Elders, sing a Song of praise unto the Lamb Christ, and acknowledge that he was slain, and had redeemed them to God by his blood, out of every kindred, and tongue, and people, and nation, Rev. 5. 8, 9. This is a Congregation gathered out of every Nation. This can be none of Mr. Parker's Congregation.

His third Argument is taken from *Mat. Sect. 6.*
rhew 17. 18. and from *1 Cor.* 5. In the first place. 1. Christ saith, *Tell the Church.* 2. This Church is the primary subject of the power of the Keys. But 3. He doth not say, this Church is Congregational in his sense, neither can any wit of man prove it out of that place. 4. The word *Church* in that place is indefinite, and signifies first a Christian community without any determination of the number of persons, greater or less. 5. Though this Community and whole Body be principally meant, yet its here signified as exercising her judicial power by her Representatives, who may easily meet in one place, when the whole Body cannot, and that place may be capacious enough to receive them, yet far too narrow to contain the whole Church and all the Members, and every one of them represented in that place. As for *1 Cor.* 5. 4. which is the second place quoted by him, he argues from these words, *when ye are gathered together*, that a Church is a Congregation, consisting of so many
as

as ordinarily meet in one place. *Ans.*

1. It's granted, that according to the Apostles directions, the incestuous person must be Excommunicated in a publick Assembly of persons meeting in one place. But 2. The Church may assemble personally or virtually in their own persons, or by and in their Representatives. That this Church did meet virtually in her Representatives, at least no Man can doubt; but that all, and every one of that Church were personally present in that Assembly, no man can prove; for, it was a meeting, as he confesseth, for the Exercise of power of Jurisdiction. 3. Suppose all the Church of *Corinth* could and did meet in that Assembly, how will it follow, that every other Church, as that of *Jerusalem*, could do so to: or that if any Church was so numerous, that they could not ordinarily meet but in several places: will it follow, that therefore it could not be the primary subject of this power. But something more to this hereafter.

Sect. 7.

To reserve his fourth Argument to the last, I proceed unto his fifth: which is drawn from Communion in Word, Prayer, Sacraments, and his sixth in watching one over another. In that of Communion he confounds Worship, and the Exercise of Discipline, which are two very different things, and also he grossly equivocates in the matter of identity, which even freshmen know to be three-fold, *in genere, specie,*

numera

numero. For he conceives there can be no Communion but amongst those, who meet in one place to exercise those heavenly duties. *Ans^w.* 1. It's true, that if the number of persons in one Church exceed, they cannot all be edified and enjoy a sufficient Communion in Worship by one man, Officiating at one time in one place, where they cannot all assemble. But what's this to purpose? It's nothing to Government. Communion in Worship is one thing, in Government another. The Communion of one particular Church in this latter respect is political, and consists in this, that they have the same Supream and Independent Judicatory according to certain Laws, as they are subject to the same independent Judicatory in the same Precinct. Communion in Word, Prayer and Sacraments is rather Moral than Political, and may be had, and is enjoyed many times, in many places, where there is no external Discipline settled or exercised. The end of Word and Prayer is first to make Christians, and then to edify them, and these are no sooner made and multiplied, but they must hear, pray, participate the Sacraments, before any Form of Discipline be instituted; and if every one would constantly do his duty in these things both privately and publicly, there would be no need of Discipline. 2. Whereas he conceiveth, that there can be no such Communion and Edification, but one and the same

same individual Assembly, he is much mistaken, and besides his words are very ambiguous. For the better understanding hereof, we must know that the end of Communion in Word, Prayer, Sacraments, is Conversion and Edification, as before.

2. These ends may be attained, as well in several Congregations under one Supream Judicatory for Discipline, as in one Congregation Independent, or several Congregations having their several Supream Judicatories: for both of them depend upon the Ministry as Instrumental, and upon the Spirit as the principal Agent, which *cæteris paribus* may be as effectual in several Congregations not Independent, and every one of them severally, as in one, though Independent, and at the same time. And though Discipline may further Edification in a Congregation, yet it may be furthered as much, when its Exercised by one Independent Power over several Congregations, as when it's Exercised by one Supream Power of one Congregation over it self. Experience doth clearly evince this, and might satisfy us. But I have wondred at the design of some men, who go about to bind Men to the individual participation in the same Ordinances, if they will be of the same Church, as though that could be no Church, where all the Members could not, or did not thus individually participate. For few of their own Congregations are so ordered,

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as that all the Members Communicate at one time, but some at one time before the rest, some at another after the rest. That which is required of all Christians is no such thing, but that they all Worship God both in private and publick, according to the same general rules of the Gospel. As for mutual watching one over another, that's the duty of all Christians, as Christians, and as fellow Subjects and Brethren under the same God and Lord Jesus Christ, though there never were any Discipline settled. And this is done far better by them, who cohabit, and constantly, or for the most part converse one with another, then by them who live ten, twenty, thirty miles distant one from another, as some of the Congregationals do: nay Members of one and the same Congregation bound to this watching one over another, live one at *London*, another at *York*; one in *Ireland*, another in *Scotland*, and their Pastour and most of their Brethren in *England*.

To return unto his fourth Argument Sect. 8. from the form of Apostolical Churches; as of *Jerusalem*, *Antioch*, *Ephesus*, *Corinth*, &c. which is the same which the dissenting Brethren insisted upon in the Assembly, I might refer him and them to what the Assembly hath Learnedly answered. The Argument is to this purpose, *The first Apostolical Churches were only Congregational, yet the primary subject of the power of the Keys. Therefore all other Churches should be Congregational,*

gational, and as such they are the primary subject of the power of the Keys. Whether this be that which is intended, let every one judge, who is acquainted with the Controversie. The Argument is that of induction taken from example; That which they assume, as clear out of Scripture to them is, that all and every one of the first Apostolical Churches were Congregational and only Congregational, and none of them Parochial, or Classial, or Synodical, or Diocesan, or National, or had any Presbytery above a Presbyter. That which they would hence infer is, that only a Congregational is the first Church agreeable to the first institution, and the first subject of the power of the Keys. The Argument in form may be this. *1.* All rightly constituted Churches ought to be like the first Apostolical Churches; But all the first Apostolical Churches were Congregational. Therefore all rightly constituted Churches are Congregational. The *Major* is very doubtful and admits of many restrictions. The *Minor* is denied: The conclusion as inferred from these premises is not to purpose. *1.* The *Major* presupposeth that all good examples are to be followed, and that they are equivalent to a binding precept. But this is certain, whatsoever they or others may say, that examples, as examples, though good, do not bind to imitation: for they only bind by virtue of some Precept or
 Divine

Divine Institution. The Apostles in the first plantation of Churches did many good things, which we cannot imitate, and if we could, yet, if their practice in those things was not grounded upon a precept of universal and perpetual obligation, it doth not bind us. They did many things by vertue of some particular precept binding them as Apostles, and no ways else; and some things in extraordinary Cases, upon extraordinary Occasions. In this respect the first Churches planted by them, might differ in many things from all other Churches in future times. Therefore, if the *Major* should be to purpose, it must be understood so, that all Churches rightly constituted, are bound and that by some Divine Precept of Universal Obligation, and perpetual force to be like unto the Apostolical first Churches in all things, and especially in this, that they were Congregational. How they will prove this I know not: and if they prove it not clearly they do nothing to purpose. 2. The *Minor* is denied both by the Episcopal and Presbyterian, and in particular by the Divines of the Assembly, who more particularly and distinctly answer all the proofs brought by them to affirm it. Their proof is by way of Induction: as the Church of *Jerusalem*, *Samaria*, *Damascus*, *Antioch*, and so of the rest were Congregational. Where 1. The term *Congregational* must be understood. 2. We must enquire, whether the induction

be sufficient or no. 1. A Church may be said to be Congregational in respect of Worship or Discipline. In respect of Worship two ways: 1. Of Prayer and Word. 2. Of the Administration of the Sacraments, either of Baptism or the Lords Supper, as the Assembly doth well distinguish. Now, how will they prove, that the whole Church of *Jerusalem* with all the Members thereof, did constantly meet in one place to administer and receive the Lords Supper? where is the Text that expressly or by consequence saith any such thing. Again, a Congregational Church may be in respect of Discipline, and that several ways. For 1. A Congregation may signify a Community of Christians as the primary subject of the power of the Keyes. 2. This Community exercising in this power, and that either by a Representative of the whole or some part. If they understand them to be Congregational in respect of the exercise of Discipline, so that their Representatives of part, or the whole, might all of them congregate and meet at one time in one place, as ordinary or extraordinary occasion should require; in this sense it will be granted, that even the Church of *Jerusalem*, in its greatest extent, was Congregational; but this is not their sense. For, they mean by Congregational, such a Community and Vicinity of Christians, as that all and every one of the Members may ordinarily and conveniently meet

meet at one and the same time, in one and the same place, not only for Discipline, but Worship: and so, that if any multitude of Christians exceed this proportion, they must divide and erect a new Independent Judiciary, and they were bound so to do, if they did not, they ceased to be such Churches as Christ did institute, and could not be the primary subject of the power of Discipline. How they should prove the *Minor* in this sense, I do not understand. They, who first took up this Congregational Notion, perhaps had a design to overthrow Diocesan Bishops: and this was thought an effectual means for that end: and if this conceit had not first possessed their minds, they would never have imagined any such thing to be so much as implied in these examples. But suppose some such thing to be implied at least, for expressed it is not in these places, the Induction may be said to be imperfect. For there were many Churches planted by the Apostles, and far more than are mentioned in the Acts of the Apostles. For *Paul* upon his Conversion went into *Arabia*, and then returned again to *Damascus*, Gal. i. 17. Other of the Apostles no doubt went into *Egypt*, *Ethiopia*, *India*, *Persia*, *Armenia*, *Spain*, *France*, *Germany*: Yet none of these Churches are mentioned in the Scripture-History. Therefore it might be said, there is not a sufficient enumeration of particulars to make

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up a general. But suppose these Churches to have been Congregational at first; it's certain, they enlarged and multiplied to far great numbers in after times: and though this be certain, yet it's no ways certain that upon this multiplication, they did divide into independent Congregations, and erected independent Judicatories in every particular Congregation, and were bound so to do, and that by a Divine Precept. And I wonder much at Mr. *Parker* that he should argue so much against a Diocesan Church, and yet grant, that all *Israel*, consisting, as he himself confesseth, of many Myriades, should be but one Congregation, which was of a far greater extent than a Diocess. Whether this Congregation was as now it is by many managed amongst us, be not formally Schism, - as it is charged by some Learned Men, I will not here debate. But this I must needs say, that such Congregationals, as by this notion, go about to unchurch all other Churches, which are not cast in the same mold, must needs be guilty of some such crime. It was first set up to oppose Diocesan Churches, and now to oppose Presbyterian Classes. But there is another thing, which I wish all Wise and Judicious Men to consider, whether this doth not tend unto, or at least give occasion of Schism, and also to inform themselves, what effects it hath had hitherto, yet so as to distinguish between these effects of it, which are *per se*, and flow from the nature

nature of it, and such as are *per accidens*. Yet in the mean time, Charity, Meekness, Humility, Pity of weak Brethren becomes us all, who profess our selves Christians; and we ought to stand well affected towards all, who seem to us to look towards Heaven. Let us further consider how far rational and pious men agree, and according to those things, let us keep communion and heartily serve our God, humbly imploring his Divine Majesty in the name of Christ to open our eyes, and sanctifie our hearts, that at length we may be united in the same Judgement and Affection, and with one Mind, and with one Mouth glorifie God even the Father of our Lord Jesus Christ.

After the consideration of a Congrega- Sect. 8.
tional extent as too narrow, and of an Universal, as too large, I proceed to say something of a National extent as a man between. The Congregationalist will censure it as too great by far; the Universalist as too little by much. Yet I shall willingly, as in other things, refer my self to the Judgement of Moderate, Pious, Judicious, Impartial Men: Let them condemn me or acquit me, as they shall see just cause. First it must be remembred, that the subject of this whole Treatise, is the Govern-
ment of men by men, under God and Jesus Christ our Blessed Saviour. Of Gods more immediate Government I have spoken in my *Divine Politicks*: where I shew it's Monarchical, Supream, Universal, and

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cannot be bounded to any part of the whole Universe. For he being immense, and not only virtually, but actually present in all places, at all times, is only fit to govern all Nations, and the whole World as the Universal Sovereign ; but this is far above the power not only of Men but of Angels. Therefore, whatsoever he doth in Heaven, we know, that when through his blessing mankind was multiplied, and especially after the Flood, and had replenished the Earth, they were divided into several Societies, and were subject to several independent Tribunals. We never find them under one: neither do we in his word or works read of a Catholick King over all Nations, nor of an Universal Bishop over all Churches. Howsoever some have pretended such a Title, yet they could never shew their Patent subscribed by the Hand of Heaven. But, suppose they could have acquired the possession of the whole earth, which never any did, yet no one Man, no one Council, no one Consistory had been able sufficiently to manage so vast a power, and in any tolerable manner to govern all mankind at one time living upon Earth. It seemed good indeed, to our wise God, both in former and latter times to enlarge the power of some States, and especially that of the *Romans*. Yet that very Empire of so large extent, took in but a little part of the whole Earth : and this appears plainly now since by Navigation,

tion, some of the remote parts of the Globe, and both the Hemispheres thereof have been discovered. Yet in the greatest extent it was thought by some of their wisest Princes the best Policy *Cogere terminos Imperii*, to limit and bound it, because they thought the body of too big a bulk, to be well ordered either by Prince or Senate, or People, or by all together. But to return to the matter in hand: the Question is, Whether a national Community of Christians may not lawfully be subjected to one supream Judicatory Ecclesiastical? To understand the Question the better, it's to be observed. 1. That a Community of Christians may be said to be national several ways, or in several respects: as, 1. When all the Christians of one and the same Nation, do associate and unite in one body. 2. When these Christians are the major part of the people. 3. When the whole Nation, or the generality thereof have received, and do profess the same Christian Faith. I will here suppose the major part or generality to be Christians, and the association and incorporation to be made by a tacit or explicit consent, which sometimes may be confirmed by the Laws of the Supream Power. Yet this generality may be so understood, as that there may in the same Nation, be found *Turks* or *Mahometans*, *Pagans*, *Atheists*, *Jewes*, which cannot be of this body; and that also there may be some Schisms and Separati-

tions amongst such as profess themselves Christians, and sometimes they may be none. This in my sense is a national Community of Christians, and a Church-consistent before any form of external Discipline be introduced. 2. When I speak of subjection, I do not say, that they are always in all Nations bound by any Divine Precept to be so, but that they may, and that lawfully according unto the Scriptures. 3. I understand that this subjection, so as that every several member be subject not to one man, or one party, but to the whole, and that either properly taken or virtually for a Representative of the whole, which shall have power in the name of the whole body to make Canons, and in Judgement to receive last Appeals. 4. I understand the Question of Nations indefinitely taken, for if any be of so vast extent, as that one independent Court may be either insufficient or inconvenient, I rather exclude then include such. For, suppose all *Tartary* should be counted one Nation, or all *Chinae*, I conceive, they are too large. 5. I mention only a national Community; for if that be granted, the Clafical and Provincial must needs come in. The Congregational party, I know, holds the Negative. And here upon the by, I will take the liberty for to answer Mr. *Parker's* seventh argument, for his Congregational way. It's taken from Politicks, and to this purpose; That as little States are

are more easily and better governed than great ones, so is a Congregational Church, which is but of a narrow compass, than a Classical, Diocesan, or Provincial, or National, which is far greater. *Answ.* Though less Communities may be better governed, than one too great, yet a great one of moderate extent may be better governed and defended than one that is too little. For Gods one peculiar People and Nation, which was first under Judges, then under Kings, was subject to one Supream Tribunal for a long time, above five hundred Years; and afterwards it was divided into two. Yet it was better governed under one, than under two; when subject to one individual Tribunal, than when to two; but of this more hereafter.

For the confirmation of this, we must Sect. 9.
note. 1. That there is no Divine Precept in the New Testament, which particularly determines either the extent of place or number of persons, to which a particular independant Church is confined: we do not find their either the *minimum* or *maximum quod sic*. Therefore some Latitude must needs be granted.
2. That the History of the New Testament doth not reach those times, wherein it pleased God to fulfil those Prophecies, * *Isa. 49.*
which promised, * *That Kings should become Nursing-fathers, and Queens Nursing-mothers of the Church, and she should suck the breasts* 23.

Chap. 60.
16, 22.

* Chap. 55.
34.

* 1 Cor.
11. 34.

breasts of Kings, who should come unto her light. 2. When one should become a thousand, and a small one a strong Nation; *I (saith the Lord) will hasten it in its time:* Where, one saith, he alludes to the Creation, which he finished in six days, hastening, and could not rest and keep his Sabbath till all was ended, and man was made. 3. * *When Nations, who knew not Christ, should come unto him.* These, I say, were not fulfilled in the Apostles times. 4. Many of the Primitive Christians, after their conversion continued for a certain time without any set-form of external Government, or perfect Rules of New-Testament-worship, except to Word and Prayer, were settled. Hence those words of the Apostle, * *The rest will I set in order when I come.* 4. Even within the compass of that time which the Scripture-History reacheth, there was a great inequality in the Apostolical Churches for the number of the persons, which was far greater in one Church than in another, and in the same Church fewer at the plantation, and far more numerous afterward. For the Kingdom of God was like leaven, which did spread and diffuse it self, and to a grain of Mustard-seed, which did grow mightily. 5. After many of these became formal Polities, they encreased so much that without divisions and subdivisions they could not be well ordered, so as that every part should be subjected to the whole. This Ecclesiastical History testifies. 6. Seeing,
1. That

1. That the inequality of the first Churches, planted by the Apostles, was so great in the former respects. 2. That some of them were incompleat, not fully formed, not grown up to their full stature. 3. That most of them did mightily encrease and enlarge afterwards. 4. That the Prophecies of the glorious Enlargement of the Church began but to be fulfilled in the times of the Apostles, therefore those first Churches, as in the Apostles times, could be no obligatory examples to us for matter of extent, except with admission of some great latitude. From all this it follows, that the Rules, whereby this Controversie must be decided, must be the generals of decency and order, so far as they may prove most efficaciously conducent unto the preservation and edification of the Body. Yet we must have a special care to observe the Institution and the Examples agreeable thereunto. And that Church, which is ordered according to these Rules, and most effectually tends unto these ends, is the best and most approved of Christ. He doth not respect and value Churches as they are Congregational, Presbyterian, or Episcopal, nor as of more narrow and larger compass; nor as of less or greater number, but as so ordered, as to discover false Brethren, reject Hereticks, purge out the old Leaven, cast out scandalous persons, free from the Doctrine of *Nicolaitans* and

and *Jezabel*, and keep themselves in Unity and Purity. And surely, as our Christian Profession is disgraced, so is God highly displeased; because we so miserably distract God's people, and urge upon them such accidentals with so great importunity, though they be neither essential, nor necessary to good Government.

Sect. 10.

I might instance, 1. In the Church of *Israel*, which no doubt was National from the times of *Moses* till the Reign of *Jeroboam*; all which time it continued entire in one body, adequate to the State, and was never divided into independent Congregations. This example is not to be slighted, as it is by some: For this Church was modeled, enlarged, and confined by God himself: neither was it in this particular any Type or Shadow of something to come, which upon the coming of Christ, and the Revelation of the Gospel was to vanish. And this at least will prove, that a National Church under one supreme Judicatory is not unlawful in it self. 2. I might add, that it's no where prohibited in the New Testament. 3. That it's agreeable to the Rules of Decency and Order. 4. That it's not contrary to the Institution. 5. If the State be Christian, it may have much help, and many advantages from the State, especially when the divisions of Church and State are the same. But, 6. If a Congregational Church may be

be lawful, then a National may be so too. And the reason of the consequence is, because a National may be as easily and as well, nay, more easily and better governed than a single Congregation, much more than thousands of independent Congregations in one and the same State. That the multitude of Christians in one Nation associating and uniting in one body, and subjecting it self to one supreme Judicatory, may be better ordered than many independent Congregations in the same Nation, is evident, For 1. they may be far more firmly united, and far more free from Schisms and Separations. 2. Order, which is the life of Government, may far more easily be established and observed. 3. It will be far stronger to preserve it self from all opposition both within and without. 4. It will be furnished with far more excellent persons, endued with excellent qualities for to make Officers and Representatives. 5. It will be of far more Authority. 6. It will be far more able to reform and reduce into order the greater Multitudes, and whole Congregations, and the greatest persons. 7. It will be far more able to receive Appeals, to make Canons, give Advice, hear and determine the most difficult Causes, and to execute their highest Judgments. One reason of all this is, because so many Gifts of the Spirit may be united in one. To clear this more fully, we may consider a difference, 1. Between

tween a single Congregation independent, and a national Community under one and the same power of the Keys. 2. Between a multitude of these independent Congregations, supposing all the Christians of a Nation made up their several Polities, and all the Congregations of a Nation united severally for Worship, and some acts of Discipline, yet all subject to one supreme Judicatory Ecclesiastical. For the first difference, it's two-fold: 1. In the number of persons. 2. In the distance of place, in respect of the parts and members of these Bodies; both which, if they be too great, are thought to be impediments of Government. As for the number of persons: 1. They must not be too many, as they ought not to be too few. 2. They are far more for number in a National than in a Congregational Church. 3. As for this great multitude of a Nation, if not too vast, reason, and the same confirmed by experience, will tell us, that by distinction, and a wise division, with a co-ordination of parts equal, and a subordination of the less to the greater, and all the several parts unto the whole, a multitude, though of millions, may be united into one organical Body, and governed as one Man. And by the way, we may take notice of a mistake in Mr. *Hooker* of *New England*, who thinks that a Church or Community of Christians cannot be an organical Body till Officers be

be made ; whereas the making of Officers is an act of Administration, and presupposeth the Constitution, whereby it's properly and formally organical, before any act of Administration. But to return, that whereby so many are made one is order, which unites Heaven and Earth, and all things therein in one Body : much more a petty multitude of Christians of one Nation. This is apparent in all Bodies Politick ; as Universities, Corporations, Counties, Armies, and Common-wealths. This is God's way of Government, which the wisest Governours did always imitate. Thus *Moses* chose able men out of all *Israel*, and made them Rulers over the People, Rulers of thousands, Rulers of hundreds, Rulers of fifties, and Rulers of tens. And they judged the people at all seasons: the hard causes they brought to *Moses*, but every small matter they judged themselves, *Exod.* 18. 25, 26. In this Text considered with the antecedent, many things as proper to Government are observable: 1. There must be Laws. 2. Officers. 3. Courts according to the *tria Jura Majestatis* of Legislation, making Officers and Jurisdiction. These presuppose a Community, and a Constitution: 1. There must be a power of making Laws, that belongs to the Sovereign. 2. Laws by this power must be made for Administration, which without them must needs be arbitrary and irregular. 3. Those

Laws

Laws once enacted must be promulgated, that they may be known. 4. Once known, they must regulate both the peoples obedience, and the acts of Officers, and judgment of the Judges. After Laws once established, they must be executed; and that cannot be orderly and effectually done without a division of the people: For 1. they must be numbred, divided into tens, fifties, hundreds, thousands, tribes. 2. They must be co-ordinate and equally poised, tens with tens, fifties with fifties, hundreds with hundreds, thousands with thousands. 3. They must be subordinate, ten to fifty, fifty to an hundred, and hundreds to thousands, and all unto the whole. When this is done, Officers, by whom these Laws must be executed, must be made. These must first be well qualified. 2. The people must chuse them, *Deut. 1. 13.* 3. *Moses* must appoint them their places, assign them their circuits, give them their charge. 4. They must have their Courts and Sessions, judge, execute the Laws, and be subordinate, the lesser Courts to the superiour, and all to the Supream: For their Causes, especially if difficult, must ascend till they came to *Moses*, and he brought them to God, who was their Sovereign; this was extraordinary. But afterwards they had their *Sanhedrim* and Court of Appeals. This subordination seems to be implied in those words of our Saviour,

Saviour, *Matth. 5. 22.* But I say unto you, that whosoever is angry with his brother without a cause, shall be in danger of the judgement; and whosoever shall say unto his brother Racha, shall be in danger of the council, but whosoever shall say, Thou Fool, shall be in danger of hell fire. One thing in all this is considerable, That *Moses* did not make every Division, nor every Court severally independent, but subordinated all unto one supream Consistory. A Multitude, though National, therefore is no impediment to good Government, especially when they are numbred, divided, co-ordinated, and subordinated, and so by a certain and fixed order made one.

As a Multitude is no hinderance, so neither is a national distance of parts: For if we should enquire into the Constitution of the *Chaldean*, or the *Persian* Empires, of both which we might learn much out of the Holy Scriptures, especially in the Books of *Ezra*, both first and second (called *Nehemiah*) and *Ester* and *Daniel* most of all; we should find, 1. That the extent of them was far more than National, and the distance of the parts far greater. 2. That these were divided, subordinated, not only in the parts less to the greater, but also in their Officers both for War and Peace, the Revenue; and the Administration of Justice, and so by order united under one Head. The Empire of *Rome*, (the parts whereof were severed at a very

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great

Sect. II.

great distance, as from the River *Euphrates* in the *East*, to the Ocean upon the West of *France*, and from *Egypt* Southward, to the North of the *Lesser Asia*) was according to their principles of Policy, as well governed as any *European* petty State at this time is. The *Turkish* Seigniory, tho' of great extent, is as well ordered as divers several Kingdoms Christian, confined to a far more narrow compass. Their order is good, their strength great, their Counsel, which doth manage it, politick, their Laws for administration of Justice certain, their divisions, from matters of Religion, few or none; and their internal strength must needs be firm, and the continuance of their Dominion hath been long. Some attribute the excellency of their Government to their severity in punishments, and their bounty in rewards: yet though these add something, yet these are but the least part. The Dominions of *Spain* are many, and scattered at a very great distance round about the Globe on both sides the Line, within and without the Tropicks, yet all these are subjected to one supream Judicatory, and are tolerably governed, and by a great deal of policy have been kept together till of late. *France* indeed is stronger, because divided into thirty Provinces, it's united in one Vicinity, and subject to one Monarch: Yet in these vast Dominions, and great Empires, the union of their many parts

parts so distant did depend, not only upon ordinary means, but some extraordinary acts of Divine Providence. From all this it's evident, that by division, co-ordination, subordination, the supream power of one Nation, nay of many Nations, may be diffused through the whole Body, so as to animate it, and reach every part, even the remotest.

Yet it may be objected, that all the Sect. 12.
Members of a National Church can never meet together in one place and Assembly. It's true, they cannot, neither is it needful. *Joshua* called and assembled all *Israel*, when yet none but their Elders, their Heads, their Officers, their Judges were called and convened, *Josh. 23. 2.* Upon which place *Mafius* thus comments: *Cum dictum esset omnem Israelem fuisse convocatum, ipsa deinde universitas ad eos deducitur, qui populum omnem repræsentabant.* So that all *Israel* met in their Representative. Thus *David*, thus *Solomon* did use to convocate all *Israel*. As our State hath its *Wittena Gæmot*, the Parliament, which *Cambden* calls *Pananglium*, so a National Church may have a general Assembly to represent the whole. And this may be so composed, as to be an abridgement, and contraction of the quintessence of the wisdom, piety and learning of a National Church: This is a most excellent way for a Community to act by. This may be both the *terminus à quo & ad quem*, of

all these publick acts, which are of weight and general concernment. By this the Nomothetical Power is exercised; to this, by Appeal, the highest causes are brought, and finally determined; yet here it's to be observed, that a Representative of the whole, is not the whole properly, but synecdochically, and an Instrument whereby the whole doth so act; yet if any thing be done amiss in a former particular Assembly, the whole may correct it by a latter. 2. That if the Constitution of a general Representative be right, and the Members thereof duly qualified, and act according to their qualification, there will be so much reason and wisdom in their Determinations, as that they will bind more by vertue of the matter, than the authority and votes of their persons. We might add, that in these Independent Congregations, there is neither any conveniency, or necessity, that all the Members should meet either for Juridical or Legislative Acts, though it be expedient that all should know what is done. They call women and children together for Worship, but not for matters of Judgement and Discipline: It's sufficient if such as are rational and judicious have suffrage in the same matters. *Marsilius* in his *Defensor Pacis* determines the Power of Legislation to be in *Populo, aut civium universitate*. Yet he grants that the Laws may be made *Per valentiorem partem*, or their Trustees; and

and that what is so done by them, is done by all. But in this particular he excludes women, children, servants, strangers; though inhabitants, if not incorporated; likewise Mr. *Parker*, who gives the whole and independent Power of the Keys into a Congregation under a Democrati- cal form, yet will have the exercise of this power in the Officers in an Aristocrati- cal mode. Seeing therefore that nei- ther multitude of persons, nor distance of place, nor impossibility of a vertual and sufficient Convention of all the Mem- bers, being the differences between a Na- tional and Congregational Church, and conceived to be the impediments of good Government, are no impediments; I know no reason but that all the Chri- stians of a Nation may be as well govern- ed by a subjection to one supream Judica- tory, as a Congregation independent.

But let us oppose this National Com- Sect. 13.
munity under one supream Tribunal, to a thousand or more Independent Congre- gations, as hitherto we have compared it with one single Congregation; and then that which was affirmed will be more ap- parent; For 1. a National Community Christian may have the same Members, the same gifted Men, the same Officers, and the like Assemblies for Worship, as subjected unto one Tribunal, which the same number of Christians in the same nature, divided into a thousand or more

Independent Polities may have ; And the same gifted Men and Officers may act more effectually for the good of the whole ; when they are thus united, then when scattered and divided like the vital Spirits in so many several Bodies, For *vis unita fortior*, and the being more firmly, orderly, and regularly united, may more easily animate and effectually move and direct one body, though great, then so many bodies independent one upon another and severed, though little. 2. Again, in this National Body every Congregation, Classis, Province may act, order, hear and determine matters belonging to their Cognisance, and within their Precincts, without troubling any general Representative, except in the highest, most difficult businesses of general concernment, which with all extraordinary matters are reserved for that highest Assembly : And all this is done according to the Rules of Government allowed by God, and practised by the best Polities in the World. 3. The Congregationals grant, that any of their single Congregations independent, in a difficult point, or business may take the advice of twenty, thirty, forty other Congregations or more ; yet if the Major part of them, or all should agree and give their judgment, that one Congregation shall not be bound by their advice, but shall have power to judge against it, or subscribe unto it ; seeing in
this

this case no Scripture binds this or other Congregations to be independent, or perhaps allow any such thing, except in some extraordinary cases, it were worth the serious consideration of wise men, whether it be more agreeable to the Rules of good Government, and the general Precepts of Church-discipline, that one of these Congregations alone should have the power to determine, and that finally, this difficult cause, and all the rest only to advise, then that joyntly with this one, all the rest and most of them as good, and some perhaps better, should have power, not only to advise, but determine: And whether this determination of all joyntly were not likely to prove better, and more effectual, and more conducing to the end of Discipline, than that Determination of one. But against this two things may be said, 1. That all those other Congregations may err, but this is but to suppose, and to suppose a thing both unlikely and extraordinary, that forty well constituted Churches may err, and that one be free from errour. 2. By this it seems to follow, that in some difficult cases one National Church may not only take the advice of many others, but subject themselves unto them. But 1. we are bound only to submit unto the Word of God made clear unto us, though it be very likely that many seeking God, and making right use of the means, are

more likely to find out truth, and understand the Word of God better than one. 2. I staid at a National Church, and did not expatiate further, because experience hath taught us how prejudicial it hath been even to this State, to suffer Appeals to be made, either unto Forreign Churches or States. Neither is it fit, in respect of the Civil Sovereign Christian, that the Church within this State should any ways depend upon any other Church whatsoever.

Sect. 14.

I had said before, that a national Multitude of Christians associated into one Body, and subjected to one supream Power of the Keys, may be as easily and as well governed and edified, as if they were divided into many several Communities and independent Congregations: Now I add, that in divers cases they may be more easily and better governed and edified. This might be made manifest, 1. From the many conveniences, which will follow from the Multiplication of Independencies in a national Church, and Christian State, all which by an internal connexion and subordination may be avoided. Histories, read with attention and understanding, will manifest this, and the experience of these times in our Church and Nation. 2. From the disproportion, and also the difference between the Church and State, in respect of the extent, and the multitude of independent

pendent Polities Ecclesiastical, within the bowels of one entire Civil Commonwealth Christian. I do not mean, that the Constitution of the Church and State should be the same, so that if the State be Monarchical, the Church should be such too ; or if Aristocratical, it should be Aristocratical. For, though God hath determined the model of the Church, yet he hath not so particularly defined the Constitution of the State. Neither do I affirm, that the Church by any Divine Precept is bound to be co-adequate to the State ; only this I say, it will be convenient, advantageous to the Church, and agreeable to the general Rules of Decency and Order. 1. That it be co-adequate to the State. 2. That there be but one independent Church in one national State, except there be some special impediment. But not to insist so much upon these, a third and greater reason to prove this, is taken from the insufficiency of a Congregation to govern and order it self in divers cases, not so incident to a national Church well ordered. Amongst others, there be four acknowledged and reckoned up by Mr. *Parker* himself. The first is, when one and the same Cause may concern, not only one single Congregation, but divers several other neighbouring Churches. The second is, the Inability of the Eldership of an independent Congregation. The third is, Male-administration. The fourth is, Appeal

peal upon Male-administration presumed. Concerning these four Cases, I observe,
 1. That no single Congregation doth continue long, but some of these Cases, if not all, will fall out. 2. That in these cases there can hardly be any Redress. 3. That a national Church is ordinarily furnished with sufficient Remedies against these Evils. Upon all this it follows, that in some cases a national Church is of a better constitution, than a Congregational. Whereas Mr. Parker, in the case of Male-administration grants Appeals, in that very concession he divests his Congregation of her independent Power, and makes it to be no Politie at all. For, if (as he saith) a congregational Church be, and that by divine Institution, the primary Subject of the Power of the Keys, how can it be subject to another Church or Churches, as if it Appeal, it must needs be: *Par in parem non habet potestatem* is a certain Rule. For, *obligatio ex delicto* will not here take place. To be independent and dependent, cannot agree to the same Church at the same time. And is it likely that Christ denieth the power of the Keys to that Church, which in all the forementioned cases was sufficiently furnished with effectual means of redress, and give it to that which is in it self insufficient? There be several kinds and degrees of Communion between particular Churches independent, and that for mutual help and edification:

on: yet all those kinds and degrees of Communion are but extrinsecal, and the Communion is but like that of Leagues and Friendship between State and State, which can no ways reach Appeals. And as it is in several distinct States, so it's in several distinct Churches. That of * Dr. ** In his Jackson* is very remarkable, and worthy *Book of the Church.* consideration. That the best Union that *c. 8. p. 63.* can be expected between visible Churches, seated in several Kingdoms or Common-weals independent one upon another, is the Unity of League or Friendship; and this Union may be as strict as it shall please such Common-weals and Churches to make it, and to subject such a Church in such a case unto another, is to build a *Babel*, or seat for Antichrist. This implies that a Church may be National, and he gives a good reason why it should be no more. And according to this Rule, Mr. Parker, by granting in this case Appeals, doth no better than build a *Babel*, and so I fear many others do by making every Congregation independent.

But to say no more in this place of Ap- Sect. 15.
peals (the power of receiving whereof is a branch of Majesty, and the exercise of this power belongs to Administration, and comes under the head of Jurisdiction, where they are to be handled at large.) I further do conceive, that the condition of these independent Congregations, is no better than that of petty States, as those
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of the *Netherlands*, and the Cantons of *Switzerland*. These cannot subsist without a strit Confederation, or a foreign Protection: and both are dangerous, and sometimes, if not often, prove prejudicial. Though the States-General of the *Low-Countries* have their Commission from the several Republicks, and with this Clause, *Salva cujusque populi Majestate*; yet they are ready many times to usurpe and exercise more power than is due unto them. But foreign Protection sometimes proves a supreme Power: But the danger of our independent Churches, as with us, is far greater: because they are so petty, and far less bodies, and no ways by any certain Rules firmly united. From all this Discourse a rational Reader will conceive, that a national Church in my sence is far more agreeable to the Rules of Government, which we find in Scripture, than so many independent Polities Ecclesiastical in one Nation. Some still do conceive, and they have reason for it, that as this Nation of an independent Congregation was at first invented to oppose the Diocesan Bishop; so the dissenting Brethren pitched upon it in opposition to the *Scottish Kirk*, and the *English Scotified Presbyterian*. And as in the Reign of *Queen Elizabeth*, some great ones, and Counsellours of State protected the new Conformist, and made use of him to poise the Bishop; so in our days there were *Statists*,
who

who knew how to make the Congregational party subservient to their civil interest, not only to poise, but to beat down the *Presbyterian*, and which they far more aimed at, their party both in *England*, in the Parliament and Army, and also in *Scotland*, which in the end was done to some purpose. For at last the *Independent* became predominant, had great Friends was much favoured, obtained good maintenance, and some of them were put in the best places, and enjoyed the best preferments in the City, Universities and Country. Nay, some of them do not scruple plurality of places, as though the word *Pluralist* were only unlawful, and *Plurality*, the thing it self legal and just enough. Some of them do much mislike the Parochial divisions, yet like Parochial Benefices well enough, and are unwilling, once possessed of them, to part with them; yet this power and profit is made not only by them, but others, the great interest; few seek a real Reformation with sincerity of heart.

To draw near a conclusion, not only Sect. 16.
of this Chapter, but of this discourse of the party supremely Governing in Church and State; its the duty of us all in the best manner, and by the best means to endeavour, and make it our chief design, to reform and unite this divided and distracted Church of ours. For this end, we should first lay aside our Divisions, as they proceed either from ignorance or error, or disaffection;

*Best means
to reform
and unite
a Church
Divided.*

fection; and let us see and try how far we may agree in the general and clear truths of Scripture, revealed for to direct us in the right ordering of a Christian Society, and put on charity, which is the bond of perfection, and let the peace of God rule in our hearts, to which we are called in one body, Col. 3. 14, 15.

For if we do not hold the Truth in love, Eph. 4. 15. no good thing will be done.

These are the only and effectual means, whereby the Foundation of our Church-happiness can be laid. 2. Let no person

2. or party assume any power, but what Christ hath given him or them upon a clear title. 3. Let us give every one their

3. due: As for the Pope, we must leave him to God, who will in his due time take order with him. Let civil Sovereigns

have their right in matters of Religion.

Let the Bishop be reduced to his Ancient Superintendency and Inspection. Let the

Prebbyters be contented to be Officers, or at the best Representatives, and not chal-

lenge to themselves alone the Original power of the Keys. Let the People not

be wronged, or any ways deprived of that right, which is theirs by the Rules of the

Gospel. 4. Let us make our Christian as-

4. sociations, neither greater nor less than Christ allows us, and which may be fittest

for a good administration. 5. Let's not

5. impose upon others any form or model of Church Government, which is not agree-

able to Christs Institution; nor assert those

things

things to be of Divine Authority, which are not clearly grounded upon some Divine Precept. 6. In things not necessary, either to Salvation, or the good of the Church, or not plainly conducing to the edification thereof, lets grant a latitude. And in such things, though we may differ in judgment, yet lets agree in affection, and in charity bear one with another, till we be better informed. 7. Let the Nation continue divided into Counties as it is, and the Divisions of the Church be made accordingly, or some other way, if any better may be found out. 8. Let the primary subject of the power of the Keys be the whole, and exercised by the best in every Precinct : but let the highest causes and the most difficult cases, with the Nomothetical part be reserved for the general Representative. In all this the assistance of the State is to be implored: and we must do nothing to the prejudice of their just power, nor give them any causes of jealousies or suspicions. 9. Some special care must be taken, not only for the edification of the more knowing and professing Christians, but also for the instruction of the ignorant, and reformation of the prophane and scandalous ; and this latter is the more difficult work. This cannot be done so well by Itinerants, as by fit persons fixed in their severall charges. 10. The chief interest of the Nation, as Christian, is, as you formerly heard, the substance of the Protestant

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What's the chief interest of a Nation, as Christian.

testant religion: which consists not in Episcopacy, or Presbytery, or Independency, nor meerly in a separation from the Church of *Rome* as corrupt, and parted from the purity and simplicity of the Gospel (for this is but negative), but in certain positives of Doctrine, Worship and Discipline clearly agreeable to the Gospel. Neither need we go to lay a new Foundation, but consider what the former Doctrine, Worship, and Discipline was, and retain the best, reject the superfluous, rectifie that which was amiss, and supply and perfect the defects. When all this is done, it were good that some forms of these established by Authority may be made publick, yet so, that all these may be plain and clear and consonant to the Gospel. By doing thus we might testify to the world, that we continue Protestants and reformed Christians, and that our design was reformation and not confusion and abolition of saving truth amongst us. The summ of this Discourse is, *Christ hath given the power of the Keys, the Church to which it's given is the primary subject, and is bound to exercise it by her Officers and Representatives for the Churches good. For as the Apostolical, so this power was given for edification, not destruction,* 2 Cor. 10. 8.

CHAP. XV.

*Of subjection in general, and the subjects
of a Civil State.*

IN the former part I have, according to my poor ability, declared. Sect. 1. 1. What the Act of Government is. 2. That the subject of it being a Common-wealth both Civil and Ecclesiastical, it hath two parts: 1. The Constitution. 2. The Administration of the same. 3. That the matter of a Common-wealth is the Community, and the Form, and Order of Superiority and Subjection. 4. That there are two integral parts of a Common-wealth. 1. *Pars imperans*, the Soverain. 2. *Pars subdita*, the Subject. 5. What the power of a Soveraign is, how it is acquired, how disposed, and that both in a Civil State and Church. Now according to order comes in *Pars subdita*, to be considered both in a Civil and an Ecclesiastical notion. What a Subject in a Civil State is cannot be known in particular, except we know the nature of subjection in general. The word in Greek, which signifies to be subject is *υποτασσειναι* to be subordinate. For subjection presupposeth order, not physical and local, but moral of Superiour and Inferiour. That which makes a Superiour is power,

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and power over another, which is not invested with it ; in which respect he is inferior in relation to him that hath power over him. And so soon as God hath made one Superiour to another instantly, the party inferior is bound to subjection, which is a thing due unto this Superiour. God hath set him in a place under, not above, nor in the same rank ; and by this very placing of him, he is made a subject by Divine Ordination. And this is the first degree of subjection, from which follows an obligation to active and voluntary submission. And this obligation ariseth not only from this, that the power over him is Gods, not as he is Creatour meerly and the Author of Nature, as *Suarez* doth express it, nor only as he is a Supream Lord by Creation and Preservation, committing some measure of his Power to man, but also from this, that he commandeth man to submit. Actual subjection is an acknowledgment of this power in such a person, and a voluntary submission. This voluntary submission is a duty, and that which God requires in the word *honour* in the fifth Commandment, and the Apostle from God, when he saith, *Let every soul be subject to the higher powers*. This submission is. 1. A resigning up of their own understanding, will and power unto the understanding will and power of his Superiour, so far as God hath made him Superiour. By this submission he becomes his

Vassal

Vassal and Servant, and renounceth other Lords and Masters in that kind. Upon this submission follows either an obligation to obey just commands, or to suffer upon disobedience. There are several kinds and also degrees of this objection: there is a subjection of Children to Parents, Servants to Masters, Wives to Husbands, Schollars to their Teachers, Souldiers to their Commanders, People unto their Sovereigns, and of all unto God. And because he is Supream, and we are wholly both in his power and under it alone, therefore subjection in the highest degree, and a total and an absolute resignation of our selves unto him, and him alone is due. And the truth is, no submission or subjection is due to any other, but all to him. For, when we submit to other higher and lower lawful powers, we submit unto him in them, who participate some portion of his power, not of their own. For, *there is no power but of God*, nay, there is no power but which is Gods. This subjection is not meerly to be under the predominant force and strength, but also under the directing Wisdom, and the justly commanding will of another. Thus far of subjection in general.

The subjection in this place is subjection to a publick power, and the same is. Sect. 2.
 1. Civil. 2. Ecclesiastical. 1. Civil subjection will be best known, if I first define a subject. 2. Consider how many degrees

and distinctions of Subjects there be. Bodin taking *Civis* and *Subditus* for the same, saith that *Civis est liber homo, qui summæ alterius potestati obligatur. De Rep. lib. I. c. 6.* Arniseus is more exact, for thus he defines Subjects; *Subditi sunt partes Reipublicæ, quæ summæ potestati, quoad omnia, obligantur, pro quo omnibus juribus, & privilegiis fruuntur, Constit. Pol. cap. 12.* As for Bodin, he mistakes much by confounding *Civis* & *Subditus*. For though every Subject be *Civis*, yet every *Civis* is not a Subject. A person is said to be *Civis* as a Member of a Community, before any form of Government be introduced. A Subject presupposeth a Supream power determined, and thereupon being under that power becomes a Subject. The one is a Member of a Community, the other of a Common-Wealth. In the latter Definition we may observe. 1. The General. 2. The special Nature and Difference of a Subject. The general nature is, That Subjects are a part of the Common-Wealth. For, as you heard before, a Common-Wealth hath two parts: 1. The Sovereign. 2. The Subject. By parts, are meant Members or integral parts, which united, constitute and make up the Body of a State: wherein none can be found, but they are either Subjects or Sovereign. In this that they are parts, they differ not from the Sovereign, who is also a part, though the most eminent and principal. In the special nature thereof we may

may observe two things: 1. The duty of a Subject. 2. The benefit. The duty is implied in the Obligation, the benefit in the Enjoyment of some advantages. In the duty we may observe three things: 1. An Obligation. 2. The party to whom Subjects are obliged. 3. The measure of their Obligation. The Obligation, as I said formerly, follows upon a subjection, and the subjection upon the designing of a Sovereign. For in a designation of a Sovereign by a general consent, according to reason and Gods Ordination, men deprive themselves of that unlimited liberty, which they had as Members of a Community, and bind themselves to a certain rule and order of inferiority: they divest themselves of some power, and take a lower place, and resign themselves up unto a Superiour will. Upon this resignation, and from it they become subject, and by their very place are bound to submit. So that this Obligation follows a kind of former subjection. But neither of the former Authors tell us, what the Act or thing is, to which they stand obliged, though both of them do imply it. And it is a constant submission and fidelity, and both voluntary. And though they may perhaps refuse to give this submission and fidelity, yet they are bound to yeild it. This is the Obligation. 2. The party to whom they are bound is the Sovereign, and they mean the Civil Sovereign. And be-

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Measure of
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cause they are bound unto this Sovereign in respect of his power, they express the power, and imply the party invested with this power, and he cannot be a Sovereign, except his power be Supreme and Universal in respect of the whole body of the Community; therefore they say Subjects are bound to the Supreme Power; for though they are under the power of Officers and Inferiour Rulers, yet the power of such is but the power of the Sovereign trusted in their hands for the exercise thereof. This Sovereign, as you heard before, may be either as the whole Community, reserving the chief and radical power to themselves; or personal, as a general representative, or a chief and universal Magistrate. 3. The measure is *quoad omnia*, in respect of all things, as their Goods, Persons, Lives, Actions in reference to the Publick good. Yet this Obligation must be legal as the Power is legal, regular and rightly bounded: For absolute submission is due to God alone, according to the first Commandment of the first Table, a limited submission is only due to man according to the first Commandment of the second Table: For man is first bound to God, and then to man in an inferiour degree; and every Subject as bound to man, is first bound to real Majesty, and to seek the good of the whole, then to personal Majesty, so far as it extends to the benefit of the whole, and no further: for as *Salus populi*, the good of the People

People is the chief end whereat all power should aim, so it's also the chief end of subjection. And according to the measure of the power is the measure of subjection: they must be Commensurable and Coadequate, neither less nor greater. As power must be just and conformable to the Laws of God, so subjection must be too, and we cannot be bound to submit in any thing that is unjust and unreasonable, neither ought we, neither is it wisdom to give too great, or an absolute power unto any, so as to destroy our propriety and just liberty. This is the duty.

The benefit follows, for no subjection Sect. 3.
but should aim at some good, and it's either unjust, or vain, if no benefit redound from it. The benefits here mentioned, are Rights and Priviledges. In every well constituted and well ordered State, there are certain general Rights, and also Priviledges both real and personal, which are not due unto Strangers. No rational people will subject themselves but upon condition of Protection both from wrongs within the State, and from violence of Foreigners, and so to better their Estate: For power being ordained of God, was intended for the good of the parties to be governed; For the Sword is put by God into the hands of higher powers, for to punish the Unjust, and protect the Just in their rights and due. As for Priviledges, he understands them in an unusual sense;

For Priviledges being reckoned amongst Laws, which were favourable, as opposed to such are called odious, and bring grievances, and charges upon the Subject, are usually made for the benefit of some single persons: For if they were general, as here they are taken, they were not priviledges properly, except in respect of Strangers of other States, which in that particular State none but the Subjects could enjoy. From this subjection it follows, that if the Sovereign require Fealty and Homage, he acknowledging his power must solemnly testifie it; and if it be demanded, confirm it by oath. For as Princes and personal Sovereigns swear to the people, so the people are bound to engage themselves to them again. And by this Oath of Fealty they renounce all other powers, not only Forreign but Domestick too. For upon what reason can protection be due, if the persons protected be not Faithful, and Loyal according to the constitution of the State. By this subjection, if the Sovereign make Laws, the Subject is bound to obey or suffer. And if the command be unjust, he is not bound to obey, because he subjected himself according to the Laws of Wisdome and Justice: Yet in such cases he being a subject, as a Subject, must be willing to suffer and not resist the power; for though the power be just, and we are bound to submit, yet we are not bound to obey the unjust Laws of

a just power. The Apostles would not obey the unjust commands of their Rulers, yet they did not resist their power, but rather suffered, though unjustly persecuted. By this subjection, the Subject is bound to maintain their higher Powers for the publick good and safety. *For this cause therefore* (saith the Apostle) *pay you Tribute also, for they are Gods Ministers, attending continually upon this thing,* Rom. 13. 6. By this Subjection he is further bound to hazard, not only his Estate, but his Life and Person for the Sovereign, and the State in a time of publick danger. And all this must be done not for fear but Conscience sake. For subjection is a duty required by the Moral Law of God, and must be performed out of love, and in obedience unto God: and cannot be performed by any so fully as by a sincere Christian. And though we must pray for all men, yet especially must we pray for them, 1 *Tim.* 2. 1. And in praying for them, we pray for our selves, and for our own peace. Honour also is due from Subjects to their Sovereigns by reason of their eminent Dignity, which ariseth from their power. Contrary to these are dishonouring, reviling, or vilifying the Higher Power, disobedience to their just Laws, denying of Tribute and other dues; refusing to hazard Person or Estate for the Publick safety; revolting and infidelity, keeping Intelligence with Enemies; open Rebellion and Resistance

sistance of their Power; secret Treasons and Conspiracies against their Person, or other ways directly or indirectly. And the greatest Treason and Rebellion, and Infidelity is that against the State it self and real Majesty; the next is that against personal Majesty in the general Representative of the whole Community; the next to that, is that against the person or persons, upon whose safety the Peace and Happiness of the People much depends. And that which is against Government in general, is far greater than that which is only against this, or that form in particular. Treason against Laws is more heinous than Treason against persons: and Treason against the Fundamental Laws, than Treason against Laws for Administration. This Treason against the Fundamentals was charged upon the Earl of *Strafford*; and the personal Commands of the King could no ways excuse him. Yet it was not thought fit that the Judgment past upon him, should be made a Precedent for Inferiour Courts; because none but a Parliament could judge of and declare the Constitution, and what was against it, and what not.

Sect. 4.

And here I might take occasion to speak of Subjection unto Usurped Power, and acting under it, of the continuance of this Obligation unto Subjection, and the dissolution of it, of the Obligation, of the Oaths of Supremacy and Allegiance, the Prote-

station

station, the Covenant and Engagement in respect of such as have taken them. Of the Civil Wars of late, how far they tended unto the Dissolution of the Government, and how far they did actually dissolve it. Whether the warlike resistance made by the Parliament against the King's Commissions and his party was Rebellion: and whether there was any legal certain Power that could justly challenge Subjection, or induce an obligation to it, since the commencement of the War: or whether the Power continued in the Parliament till the Members thereof were secluded: whether the Act of Alteration was a sufficient ground of Obligation: or whether any of the Alterations made since, can be sufficient for that purpose. But the distinct discussion hereof would require a great Volume, which I intend not. Neither if I should presume to deliver my judgment in these particulars, is there any probable hope of giving satisfaction, seeing so many men of Eminent Parts and Learning do so much differ in them. I can, and I shall pray that God would open our Eyes to see the Truth, and unite our Hearts in Love one towards another. 1. For Usurpation, few do distinguish between the Usurpation and manner of Acquisition, and the power itself. For Power is Gods, and is always just, though it may be both acquired and exercised unjustly. There are also several kinds of Usurpation, whereof some may be apparently

parently unjust, and some doubtful: And there is scarcely any power now in the Kingdoms and States of this World but were Usurped, either by the present Possessors, or some of their Predecessors. Neither can the tract of time make them lawful without some rational consent either tacit or express, and something of Divine Providence besides. For supream power personal cannot be usurped and possessed by any man without the Will of God, not only permitting, but acting and giving it too: not that he approves mans sin, or can do any thing unjust, but for Reasons just and good, known many times only to himself and not to us. For God hath made use of Usurpers for to execute his judgments, and to do as much Justice as many lawful Successors or Possessors, and may bless them temporally for their good service, and yet punish them for their Ambition and unjust manner of seeking Power. By this he no ways doth warrant or encourage, or give the least liberty to any one to usurpe power unlawfully. We must in this point put a great difference between those Usurpations which are contrary to the Moral Laws of God, and such as are only disagreeing with humane Institutions, which many times may be unjust. Suppose we desire to have an Usurper, or Usurpers removed, yet we must consider, whether removal may not do a far greater mischief than our submission can possibly do.

do. When we do submit, we must not so much look upon the unjust manner of acquiring the power, as at the power itself, which is from God; and we must consider the necessity which Divine Providence hath brought us into, seeing he gives us no power, or opportunity to right our selves in respect of humane Titles, or free our selves from such as we conceive Usurpers, under whom he many times enjoys Protection, Peace, Justice, and the Gospel. It's no Wisdom to be so ready and rash as to call every one Usurper, which did not obtain his power according to the Fancies and Ideas of our own Brain, and to deny all power, when as they know, that if there should not be power, and in the hands of some, and the same exercised too, all would come to ruin, and they themselves could not escape. It may be observed, that the greatest Usurpers themselves are readiest to charge those with Usurpation which have justly dispossessed them. Yet for all this we must not justify Usurpation that is truly and really Usurpation, neither must we swallow Gudgeons, comply with every party, and sail with every wind, as some are ready to do. Yet on the other hand, we must not be too scrupulous and pretend Conscience, and yet make our Fancy or some humane Constitutions our Rule, and adhere unto them, as though they were Divine Institutions. For some whilst they refuse either to submit or act under a power

er in their conceit usurped, they become guilty of more hainous Sin, and when they presume they are faithful to some personal Majesty, they prove unfaithful to Real, and their own dear Country, preferring the Interest of some Person, or Family, or persons before the good of the whole body of the people, to whom they owe more than to any other. And whosoever will not be faithful unto his own Country, cannot be faithful to any form of Government, or personal Governours. Yet, whosoever will handle this point accurately, must first define what Usurpation in general is. 2. How many kinds and differences of Usurpation there be: and 3. What the particular Usurpation is against which he argues; and 4. State the particular Case with all the Circumstances.

Sect. 5.

The continuance and dissolution of a Legal Power is also to be observed. As for real Majesty it always continues, whilst the Community remains a Community; and subjection to this is due till it be destroyed. Subjection to personal Majesty in a Representative cannot in just things be denied, till a latter Representative make their power void. The personal Majesty of a King with us requires subjection, whilst he lives, and governeth according to Law, but upon his Death, or upon Tyranny likewise, or acting to the dissolution of the Fundamental Constitution, he ceaseth to be a Sovereign, and the Obligation as to him

him ceaseth. A Parliament turning into a Faction, acting above their Sphere, wronging King or People, cannot justly require, nor rationally expect for Subjection: And though private persons cannot, yet the people by a latter and well ordered Parliament may both judge them, and call the Exorbitant Members to account. When a personal Sovereign cannot protect his Subjects, because their Lives, Persons, and Estates, are in the power of another, he cannot rationally require subjection, but for the time at least he should be willing to free them from Allegiance: and to let them make the best terms they can for themselves. But voluntary Revolt or Rebellion cannot free them from this Obligation to their lawful Sovereign. In a word, so many ways as Majesty and Sovereignty may be lost, so many ways this Obligation may be dissolved. Yet in all these Dissolutions Subjects must remember, that their Obligation to God and their Country doth continue, when not only Personal Sovereigns, but also the Forms of Government are altered. There are just Causes and Reasons of the Dissolution of this Obligation, and there are also unjust pretences and grounds of denying Subjection. If any one of an innovating humour or desire of alteration, or discontent with their present Governours, or conceits of false Titles, or an intention to advance some of their own party, or a belief that any forraign Prince or Priest can ab-

absolve them from their Allegiance; or that their Sovereigns are wicked, or do not administer justly, or are Tyrants, when they are not, or in any such like case, shall seek to cast off the Yoke, and think themselves free, they must needs be guilty, and cannot be excused. Those are the greatest Offenders, who are Enemies to Government itself under pretence of liberty, or impunity in their Crimes, veiled under the notion of self-preservation, or a reformation of some things amiss.

Sect. 6.

The Oaths of Allegiance and Supremacy could alter nothing in the Constitution; and both did presuppose our Allegiance due to *England*, according to the fundamental Laws, and could neither take it away nor add any thing unto it. The Parliament by them might declare what was the Duty of every Subject. The occasion of them both are well known; the end was to exclude all forraign Power in matter of Religion and civil Right, in both which the Pope had usurped formerly, and might do so for future times; especially, seeing many Subjects did incline so much unto the Sea of *Rome*. They seemed to bind the Subjects, taking them not only to the present Kings or Queens, but their Heirs and Successors. For the King might have Heirs and Successors; and he might have no Heirs, and yet have Successors. For Queen *Elizabeth* had no Heir or Heirs, but a Successor she had. Yet, because the Crown

is not entailed by common Law, and the fundamental Rule, as some tell us, therefore none is a Successor till he be designed, and actually invested and acknowledged; and till then the Oaths were not administered to be taken by any particular subject. The Oath taken to the former Prince, if once removed by Death or some other way, though it expressed Heirs and Successors, was not thought sufficient: it must be taken anew unto the present Successor by Name. Yet, if the Crown had been entailed, or the King's proper Fee by Inheritance, this seems to be needless. One reason of these words inserted seems to be this, that seeing Succession and Election was usually in a Line, it was intended by them to exclude Pretenders, and all Power of the Pope, or any other to dispose of the Crown when the former Possessor was removed or deceased: yet they did not so tye us to be faithful unto the Power of *England*, to be exercised by King, Peers, and Commons: as that it were unlawful to be true and faithful unto the Community of *England*, though under another form. The Obligation to our Country was far higher, and fidelity to it was due by the Laws of God and Nature, so that we must seek the good thereof; though the Government was altered: Fidelity unto the Community is first due; Fidelity to it under some form of Government was the second; Fidelity unto it as under that form by King, Peers, and Com-

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mons;

mons was the third ; Fidelity unto the person of the King is the last, and presupposeth the former : whosoever understands and takes them otherwise, perverts the true meaning, and makes them unlawful. The Protestation and Covenant were made in a time of danger and distraction, and did include or presuppose the former Obligations : yet the Protestation superadded something concerning the Protestant Doctrine of the Church of *England* to be maintain'd, and the Covenant something of Discipline as to be performed, and both extended to the preservation of the peace and union of the three Kingdoms : Neither of them did allow any unlawful means to compass these ends : Neither of them could take away our Obligation to our Country, and destroy our English Primary Interest, but it remains entire : and since all the alterations made afterwards, we are as much as ever bound to seek and promote the same ; and whosoever will refuse to do so, upon pretence of these Oathes, the Protestation and the Covenant, he is Traytor to the common good of the Nation. For as there is a positive, so there is a negative Infidelity. For though such did not use any means positive to destroy it, yet they neglect it, and if every one should do as they do, sit still and look on, and do nothing, it would certainly come to ruin, and fall into the hands of those who are their Mortal Enemies.

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The late Civil Wars in *England* did not only tend unto the Dissolution of the Government, but actually for that time dissolve it. For if the first Supream Power personally was in King, Peers, and Commons joyntly, then it follows, that when the King forsook the Parliament, and refused to act joyntly with them, it was dissolved, much more when he set up his Standard, and granted the Commission of Array and fought against them. For then there were two contrary Powers and Supream Commands, and the Subjects in strict sense were not bound to obey either. And the Parliament did declare, that *whensoever the King should make War upon them, it was a breach of the trust reposed in him by his People, contrary to his Oath, and tended to the Dissolution of the Government.* If the Government was dissolved, it will follow that the Subjects were freed from their Allegiance, yet the Allegiance due to the Community of *England* did continue; and every one was bound to adhere to the just party according to the Laws of God, though in doing so, they could not observe the Laws of men. And whosoever did oppose that just party, did render themselves for ever incapable of the benefit of the English protection, and were *ipso facto* Enemies to their own Country, their own peace and safety. Yet the Parliament did not declare, that upon a War made upon them; the Government was actually dissolved;

because though that War tended to the dissolution thereof, yet they conceiv'd that the form did remain still in King, Peers, and Commons ; and a considerable party of the Lords and Commons remained in the place, whither they were summon'd by the King, and by vertue of the Act of Continuance continued a Parliament, and that the King's power was virtually in the two Houses: Yet in this they pass'd above the Letter of the Law, and followed the Rules of Equity and Reason; and perhaps they had some hopes of rectifying the King, and had no intention to alter the form, if they could preserve it, and keep it up. But all their Wisdom and Endeavours could not prevent the Judgment, that God intended to execute.

SECT. 8. Whether the warlike resistance made by the Parliament against the King, against his Commissions, against his party was a Rebellion? The King did declare it to be Rebellion, and proclaimed the Parliament-party Rebels and Traytors, yet he did not declare the Parliament to be Rebelious: For so to have done had been offensive to his own party; and he had a considerable party perhaps in both the Houses: and if he did acknowledge it to be a Parliament, in condemning them he must have condemned himself, because he was an essential Member of the same. Neither did the Parliament profess they fought against, but for the King. Yet, if they fought against such

such as were commissioned by the King, they fought against the King, and, if the King declared the Parliaments party to be Rebels and Traytors, he must needs judge the Parliament guilty; because as he in his War was the principal Agent, so they on their side were too. This gave occasion of curious distinctions. For men did distinguish between *Charles Stewart* and the King, between his regal and his personal Capacity: and on the other side, between the Parliament and a party in the Parliament, though the whole Parliament did Commission and Arm. Thus they found a difference between the King and himself, and the Parliament and itself. These distinctions were not altogether false: yet though *Charles Stewart* and the King, and so the Parliament, and a party in the Parliament might be distinguished, yet they could not be separated. And woe unto the people that is brought into such straits and perplexities. For if they kill *Charles Stewart*, they kill the King; and if the King destroy that party in the Parliament, he destroys the Parliament. But to return unto the Question; it's one thing to be Rebellion, another to be judged Rebellion. For that may be judged Rebellion, which is not such, and the same thing may be justified by one and condemned by another. *Arniseus* handles this matter at large, and makes the Question in general to be this: *Whether upon any Cause whatsoever, it is lawful for the*

Subjects to resist, or take up Arms against their lawful Sovereign? When he hath stated the Question, he determines upon the Negative, and proves it. In stating the Question, he seems to define a Subject to be one, who hath given his Allegiance to his lawful Prince. But what he means *per fidem datam*, is not made so clear. Then he distinguisheth of Princes. For, 1. There are *Regna pactiōnata*, where Princes are made upon condition. 2. There are *Regna absoluta*, where the Princes are absolute. 3. There are Tyrants, and that of two sorts: 1. In Title, as Usurpers. 2. In Exercise. These distinctions being made, he grants, That Princes upon condition may be resisted for their ill Administration. 2. That Tyrants in Title, before the Subjects bind themselves unto them, may be opposed. 3. That Tyrants in Exercise may be deposed, and that by their Tyranny, *excidunt jure suo etsi hereditario*, divests themselves of their power, though hereditary. 4. That absolute Sovereigns who have *potestatem non delegatam, sed transfusam*, cannot be resisted lawfully, though they be vicious, and their Administrations impious and unjust, if it reach not Tyranny, which is directly against the Laws and Rules of Government, and tends to the destruction of the Commonwealth. But in all this Discourse he doth not produce any Authentical Record, Fundamental Charter for these absolute Sovereigns, which have *omnem & omnimodam*

dam potestatem à populo transfusam. As for that Roman transfusion of power upon the Emperours, it's an uncertain thing: *Lex Regia* doth no where appear, it's doubted of many, as it is denied by many. And suppose that people should be so unwise, what's that to others? He seems to contradict his own Definition of a subject, which I formerly explained, he mistakes most grossly the Constitution of some States, wherein he instanceth, *Whosoever will determine this Controversie, or debate it to purpose, he must,* 1. Define Subjection, and declare the several degrees of it, according to the several Constitutions of Common-weals. 2. If he instance in a particular State, he must certainly know the Fundamental Laws thereof, and truly expresse them. 3. He must put the case aright, and state the Question, *hic & nunc & rebus sic stantibus.* This resistance, if Rebellion must be an act of a Subject, as a Subject; and that cannot be but against his Sovereign, as his lawful Sovereign according to the Laws of God and just Laws of Men. And no man is able to justify the Resistance of a Subject, as a Subject. The Question is therefore, *Whether he that is a Sovereign may not be in some case resisted by the people, and if he may, in what case a resistance is lawful and free from the guilt of Rebellion?* Our Case in England is extraordinary, and not easily known by many of our own, much less by strangers not acquainted with our Government. The Resistance in the

late Wars, was not the first that was made against the Kings of *England*, by the people of *England*, though it differed from all the former. The difference was between the King and Parliament, whereof he was a part, yet severing himself from the whole body. And the Parliament was no Subject, considered as a Parliament, for then the King himself being an essential part thereof should be a Subject. As he was divided willingly or wilfully from it, he could be no King, no Sovereign. For if the power was in the King and Parliament jointly, it could not be in him alone. Besides, when there is no Parliament, we know he is a King by Law, and the Kingdom is *Regnum pactioatum non absolutum*. If he make himself absolute, by that very act he makes himself no King of *England*. For the common and fundamental Law knows no such King. Yet this was all either he or his party could say to justify themselves. If he say the Militia was his, the Parliament will say it's theirs as well as his, and except he be absolute, it must needs be so. For if the supream power be in King, Peers, and Commons jointly, the Militia, which is an essential part of this power, could not be his alone. The Parliament conceived that when he left them he left his power with them, & if that could be made good by the Fundamental Constitution, then all *England* was bound to subject to them for the time, and obey their just Commands.

And

And, if it were not so, how could all such as took up Arms with the King against them be adjudged Traytors, as they were. If these things be so, there could be no Rebellion upon the Parliaments side, because according to the Rules the Parliament was no Subject, the King then, separated from the Parliament, refusing to Act with them, Acting and Warring against them, was no Sovereign. The Question in the time of those bloody and unnatural Dissentions, was stated several ways: as, Whether it was Rebellion in Subjects Commissioned by the Parliament to resist evil Counsellours, Agents, Ministers of State, and Delinquents, sheltering themselves under the King as divided from the Parliament, and acting against the Laws by his Commissions? or, Whether the Parliament of *England* lawfully Assembled, where the King virtually is, may by Arms defend the Religion established by the same Power, together with the Laws and Liberties of the Nation, against Delinquents, detaining with them the Kings seduced person? or, Whether the Parliament might not grant a Commission to the Earl of *Essex* by a force to apprehend Delinquents about the King to bring them to a due Tryal, and this even against the personal will of the King? Or, whether after the Parliament had passed a Judgment against the King, they might not lawfully give Commission to General *Fairfax*

faxe, to apprehend the Kings person, and bring him to the Parliament? or, Supposing the King to be an Absolute Monarch, whether any of these things could be done by any Commission from the Parliament, as the Condition of the Kingdom stood at that time? Thus and several ways was the Question then stated and debated. But the Truth is, that if the Fundamental Government be by King, Peers, and Commons joyntly, and that neither the Parliament, consisting of these three States, nor the Parliament as distinct from the King, nor the King as divided from the Parliament could alter this Constitution, nor lawfully act any thing contrary unto it, then so soon as the Commission of Array on one side, and of the Militia on the other were issued out, and were put in Execution, the Subjects in strict sense were freed from their Allegiance. And if they acted upon either side, their actings were just or unjust, as they were agreeable or disagreeable to the Fundamental Laws, and the general and principal end of Government. For even then their subjection to the Laws of God, and Fundamental Constitution of the Kingdom did continue: and they were even then most of all bound to endeavour with all their power the good and preservation of their Country bleeding, and conflicting with the pangs of Death. And in that cause no man was bound too scrupulously to observe

serve the petty Rules of our ordinary administration, which were proper for a time of Peace, which could not help but hinder her recovery. In such an extraordinary case, many extraordinary things, if not in themselves unjust, might have been done to prevent her ruine. And if the Parliament had gone at first far higher than they did, they had prevented the ruin of the King, the dis-inherison of His Children, and very much effusion of blood which followed afterwards. The business then was easie, which afterwards became difficult and could not be effected but with the loss of many thousands, and the hazard of themselves: for their Cause at first was well resented and had many advantages, but was much prejudicial by too much intermedling with Religion, and making some alterations in the Church before the time.

The next Question is, whether since the *Sect. 9.* Commencement of the War, there was any certain ordinary legal Power, which could induce an Obligation, or there was any such Power after the Wars was begun, it continued after the War was ended till the seclusing of the Members, and upon that seclusion ceased. The answer unto these two Questions seems not to be difficult. For there neither was, nor could be any such certain ordinary legal Power, which could in the strict letter of the Law bind all English Subjects to subjection. For, during

during a Parliament, this binding power is in King, Peers, and Commons joyntly : in the Intervals of Parliament, its in the King acting according to the Laws of Administration. But all this while, nay to this day, there is no such Parliament, no such King. And both in the time of the Wars and after, both King and Parliament acted not only above but contrary to many of our Laws, which in the time of Peace are ordinarily observed. Neither of them could give us any Precedent for many things done by them : and those few Precedents alledged for some of their Actions were extraordinary, and Acts of extraordinary times. If the Counties and People of *England* had not been ignorant and divided, the division of King and Parliament did give them far greater power than they, or their Forefathers had for many years. But it did not seem good to the Eternal Wise and Just Providence to make them so happy. Punished we must be, that was his sentence, and punished we have been, yet few of us receive correction, or return to him that Smote us. Some think an ordinary power continued on foot till the Members were secluded, yet there was no such thing ; for the two Houses could not according to ordinary Rules exercise the Ordinary power of the King, though they might use his name, and did so contrary unto his consent. If they should alledge that his power was forfeited and did di-

volve

volve upon them, that would be hard to prove. We know well enough, if it be not in him, where it is: it could no ways be in them but for the exercise, and in them for that end it was an extraordinary way. Some would say, that if the King was dead either naturally or in Law, a Parliament must instantly dissolve and be no Parliament, because there was wanting an essential part. The act of continuance could not help them in this case, for it presupposed all the three essential parts. Neither could any particular Parliament enact, that there should be a Parliament without all the three essential members. If they should make any such Act, by a following Parliament it may be repealed, and the parties in the name of the People of *England*, called to account for altering the Fundamental Government. For we must not favour on particular Parliament, so as to wrong all *England*, or suffer any ill example to be given. Yet, if ever any Parliament did deserve not only to be pardoned, if they did some things amiss, but to be rewarded for their service, surely this Parliament did: for never any suffered more even from him who summoned them, and from them who chose the particular Members: Never any was brought into the like straits: I mean, that this respect was to be had to the upright party. But, if there was no ordinary power, what must the people do in such a case and distracted condition

dition? In this I will give mine opinion in that which follows.

Sect. 10.

Whether could the Act of alteration, which required the ingagement or any of the alterations, which followed, introduce an Obligation to Subjection? The answer is, they could not in any ordinary way do any such thing. For if the constitution was dissolved, and the personal Majesty forfeited, it must devolve unto the people, and no Parliament, nor part of a Parliament, or any other person but the people could either alter the former Government nor Model a new one: For according to the general principles of Government, the right of Constitution, Alteration, Abolition, Reformation is the right of real Majesty; if it be not their right, then the people may be bound to Subjection without their consent. A Parliament may declare it, but some make it a Question whether their Declaration be binding? If they who required the engagement did intend to exclude a King, who should separate from them, or refuse to act with them, or challenge an Absolute power. 2. To abolish the House of Lords, as distinct from that of the Commons with a Negative Voyce in Legislation, and of such Lords as were Lords by Writ or Patent only. 3. To declare that upon a dissolution the power was devolved to the people; it was the more tolerable, Yet who gave them power to do this, or declare this? When I mention the people
of

of *England* as the primary subject of Power, and the heir of real Majesty, I mean the rational judicial party; for no consent of people, that is not rational and agreeable to the Laws of God, is of any force. And I exclude not only such as are barely Members virtually, but all Rebels, Traytors, and malignant persons. For in the midst of these Bloody distractions, and perplexity of minds, there was a *Sanior pars*, a rational judicious party that unfeignedly desired the Peace, Welfare, and happiness of *England*. And, when many Members of a Community are insufficient of themselves to judge, what is just and good, & many of them perverted, the power remains in *parte saniore, aut in parte bujus partis valentiore*; and in those, who upon right information shall consent with them. For many who are not able of themselves to judge, yet when they are rightly informed, are willing to consent. But to return unto the former Question, seeing there was no ordinary power, which could introduce any strict Obligation, what must the People do in such a Case? What's their duty? The Answer is, That though there was no Ordinary, yet there was an Extraordinary Power ever since the Wars were ended to this day, which they were bound to obey. For, 1. Seeing the Community of *England* did remain, and in the same better party, Real Majesty did continue. 2. The Fundamental Govern-

The rational part of a people the heir of real Majesty.

ment could not be dissolved by one King and one Parliament, though they both had agreed to do it. For, though as to them it was actually dissolved, yet the right might remain virtually in the Community ; I mean, a right to continue it, if they pleased. 3. As the Case now is, and was since the Wars were ended, this Fundamental Government could not be so restored as to Act. 4. All parties did agree that there should be a Government and a Power for Protection, and Administration of Justice ; but the difference was, what the Model should be and most of all, who should Exercise this Power. Some did challenge and seek it for themselves, some for their Friends, whom they conceived to favour their party and interest. For many of the Royalists were for the late Kings Eldest Son, not so much for the Publick good, as for the private interest : and many other parties were guilty of the very same crime. 5. Government it self for the substance is more material, than this or that form, and the Exercise of Power, than the Exercise by such or such particular Persons. For, if there be not a Governing Power, and some to Exercise it, and the rest to submit, there can be no protection from Enemies, no Justice, no Order, but a meer Anarchy, upon which a ruin instantly and unavoidably will follow. For prevention whereof much may be done, which in a time of safety would be utterly unlawful. The
people

people may submit to any, whom they shall conceive shall be able to protect them, and willing to preserve the Laws for Administration of Justice. They need not stand upon doubtful Titles, nor Quiddities in Law, but may do what they can do, so that it be not unjust by the moral Laws of God. 6. Seeing some particular Government was necessary, and all rational men did agree in this, therefore there was an obligation to subjection, and every particular person was bound to submit unto the present power, under which they enjoyed the benefit of the Laws, and protection both from publick Enemies and private Injustice. This is not so to be understood, as though every one or any ought to rest in this extraordinary condition, but to desire and endeavour to restore the first constitution freed from corruption; or some part or degrees of it, and proceed by little and little, as God in divine providence shall prepare the people for it, and enable us to introduce it and settle it. But still we must prefer the publick good before any particular form of Government, and seriously consider what is best to be done for the present. For, when we cannot do what we will, we must be willing to do what we can; whosoever will not submit in such a case, nay, and act too for the publick good and interest of his dear Country, must needs be guilty before God,

as not loving God, and his publick Neighbour as they are bound to do. It was a just resolution and profession of some, who returned to act in Parliament, after the Members were secluded, and the King put to death, and said though they did not like and approve of some things already done, yet they would joyn cordially with the rest to promote the publick good for future times. So likewise the Judges, after another great alteration was made, debating what to do, they unanimously agreed to act, because there was a necessity that Justice should be administred unto the people, and the Laws kept in force. They did not think it fit to demur and delay till the names of King and Parliament should be put in their Commission: they knew they were not essential to Justice, or necessary, or so much as conducing to the administration thereof, as the case then was. Neither did they scruple to undertake the work, because of the former Oaths, Protestation, Covenant, Engagement: for, if these did tye their hands from doing God and their Country service, they knew they must be *vincula iniquitatis*, but so they did not understand them. The sum is, there was an extraordinary power, besides the Allegiance due unto God and our Country, and therefore subjection was due from all *English* men. Let us suppose an *Inter-regnum*, as there hath been, is and in part will be till we be
more

more fully settled, and the power ordinary brought into a constant channel, will any man doubt or fear to submit and act, because he conceives things are not ordered according to his mind? And shall there be no Government, no submission till he be satisfied, and his *Idea* established? Suppose all should do so, especially such as are of parts and ability, what will become of us all? Let wise men consider what would be the consequents thereof. It's true, no party should engross the power to the prejudice of our Liberty and the publick good; yet we must stay God's time, and use such means as may stand with the publick safety. Some kind of remedies may at some times help, which at another may do mischief, not cure, but kill. We should remember that it's not committed to man but reserved by God unto himself to dispose of the Kingdoms and States of the World. It's not in our power to have and chuse what Government and Governours we will. That we, after such bloody Wars and bitter Dissentions have not a settled State, it's God's Judgments upon us for our sins; that for the present we enjoy peace and the Gospel, it's his unspeakable mercy: *Let every soul therefore be subject to the higher powers, for there is no power but of God: the powers that be, are ordained of God. Let us submit our selves to every ordinance of man for the Lord's sake, whether to the king as supreme, or unto governours, as*

unto them who are sent by him for the punishment of evil-doers; and the praise of them that do well. Where, amongst other things, these are observable, That Governours, and Government are of God. 2. That the end of Government is the punishment of Evil-doers, and the praise and protection of them that do well. 3. That Governours are supreme and subordinate. For by *ἡλικὸς ἀνδραγαθὸν*, turned ordinance of man, is meant, Civil Government molded by man, and Governours designed and created by man to rule over man. 4. That subjection to these is due by Divine Law and Ordination. These things I thought good to deliver, and to express my mind briefly in the matter of subjection, and do humbly in this (as in all the rest) submit to wiser men; and my intention is peace, and my end the publick good; which I with a single heart desire to promote, without any inclination to a Faction or Party.

The Authors of Politicks speak of the distinction, division, and education of subjects; and though some of these belong to a Community, or are presupposed before a Community can be compleat, some of them are reduceable to administration, the second part of this Art: yet I will briefly handle them in this place, because they are accidents to *pars subdita*. - 2. Because they prepare the Subject for Government, and so facilitate Administration. The method is this:

Subditi,

Subditi,

distinguntur
in eos qui tales

imperfecte ut
perfecte

peregrini
incole
nati
facti

uirg;
Provincias,
Comitatus,

Ecclesiastici,
Sacerdotes.

nobiles
plebei

Dividuntur,
in partes.

1.

maiores
minores,
Centurias
Decurias.

Æquales, quæ co-ordinantur
In æquales, quæ subordinantur,

Minores majoribus,
singule tot;

Educantur
modo

2.

nobiliori in
Scholis
Collegiis
Academiis studii generalis

Philosophia,
Jurisprudentia,
Medicina,
Theologia.

conservandam

agricultura,
opusculum quod
melius ordinatur per

hinc
defendendum, hinc ars militaris,

Collegia,
Universitates

Minus nobili
ad Republicam

diandam & ornandam, hinc Mercatura.

This, though not so accurate, is sufficient for my design, seeing the principal subject of my discourse is Ecclesiastical Government, and for the more particular and distinct knowledge hereof, I refer the Reader to other Authors, who have written more at large concerning these particulars. Yet not to be altogether silent, let us speak first of strangers: then secondly, of compleat subjects.

Incomplete & imperfecte subditi sunt } *peregrini*
incola.

Strangers are such as either only sojourn, or such as fix their Habitation in another Common-Wealth, where they are neither perfect Members of the Community, nor compleat Subjects of the Common-Wealth. Such as only sojourn or travel out of their own state, are called *Peregrini*, in the Greek ἀπόδημοι ἢ παρεπίδημοι, and sometimes ξένοι. In Hebrew תושבים, this is their name when they are in another Common-Wealth. There may be many Reasons and Causes sojourning and peregrination. *Abraham* by Gods special command forsook his own Country, and sojourned in the Land of *Canaan*, so did *Isaac* and *Jacob*. Some are persecuted and fly from their own Country for safety and shelter; some guilty persons fly for to avoid punishment; some sojourn for succour in a time of Famine, as *Israel* in *Egypt*; some live

live in Forraign Nations for Traffick; some for to improve their Knowledge and gain Experience in several kinds of Professions. To such we owe much of our skill in Trades, several Workmanships, in Learning, in Geography, in the nature of their Soyl, Buildings, Military Art; the Manners and Customs of several Nations, the Disposition and Nature of the Inhabitants, in the Model of States, in the manner of Administrations. Some converse in other States to learn Fashions, or Wickedness; some as Spies and Intelligencers. The ends and the events are therefore several. Some are good and beneficial to themselves, to their Country, to other Nations. The Issue of some mens Travel is Vanity, or Vice, or Mischief. There are Strangers, who do not meerly Travel and Sojourn, but also fix their Habitation in other States; these are called *Advenæ incolæ*; and in Greek ἑταῖροι, in Hebrew צִרִי, though the word be used for Pilgrims and Sojourners. Neither of these are properly Subjects of that State where they live, yet they ought to carry themselves fairly, and not do any thing to the prejudice of the Laws or Government of the places where they do converse: and according to their good carriage they are to be used civilly. It was Gods charge to *Israel* to use Strangers well, because they themselves had been Strangers in the Land of *Egypt*. For Strangers are used strangely, and in Forraign Coun-

tries exposed to many abuses and dangers. But special kindness is to be shewed to such as are miserable, and fly for Religion, or for protection. The Magistrate of every Common-Wealth should have a special eye upon these Strangers, and enquire into their carriage and their practice. To receive too great multitudes of them, may be dangerous, and some may do mischief, either by corrupting the Subjects, or seeking to betray the State. Neither is it safe to naturalize many of them, much less to advance them to places of Power and Trust, which must needs offend the Subjects and and Natives, especially when these are favoured and preferred, and the other are neglected. The Judgment of God upon the *Jew* in this respect is very heavy; for they are commonly hated in all places, and not suffered to inhabite in any Nations, and where they are permitted to dwell and trade, hard terms are put upon them.

Sect. 12.

Perfekte & plene subditi sunt $\left\{ \begin{array}{l} \text{*nati.*} \\ \text{*facti.*} \end{array} \right.$

There are besides Strangers, such as are properly and compleatly subjects, who according to their subjection enjoy the benefit of protection, the rights and priviledges of Subjects. Yet there is a great difference amongst these, according to the several constitutions of States. For, some are far more

more free and enjoy far greater priviledges, as the *Roman* Subjects did, as is evident in *Paul*, who said to the Centurion, *Is it lawful for you to scourge a man that is a Roman and uncondemned?* Acts 22. 25. For a *Roman* could neither be condemned unheard, nor scourged, if not condemned. These had divers other priviledges, which the Provincial Subjects had not before they were enfranchised. The Subjects of *England*, if they enjoy their right, are more free then the Subjects of *France* or *Spain*, and divers other Countries. Some are little better than Slaves, especially such as live under Despotical Sovereigns. The right and priviledges of Subjects are acquired several ways, which may be reduced to two. For some are such by birth, which are called *Cives originarii*, some by allection. This distinction is the same with natural and naturalized, as you heard in the Doctrine of a Community. This distinction is implied in these words of the chief Captain *Lysias*, saying, *With a great sum obtained I this freedom*; and of *Paul*, who answered, *but I was free born*, Acts 22. 28. The seas Subjects were essentially the same, and if either should as such be preferred, the native Subject *cæteris paribus* had the priority. Subjects also as Subjects are equal, though in divers other respects accidental unto them, they may be very unequal; some may have special priviledges; some may be Officers, and by vertue of their Office

Office have their priviledges. Here some take occasion to speak of the multitude and paucity of Subjects in the same Territory and State. If they be few, they may receive Fugitives and adopt Strangers, as *Romulus* did. If they be too many, they may send out Colonies, and make new Plantations. If the multitude be not too great, it's the honour of the Sovereign and safety of the State; if too few, it's the weakness of a Nation, and a danger of destruction. For, in the multitude of people is the King's honour, but in the want of people is the destruction of the Prince, *Prov.* 14. 28. Yet this is to be understood of a multitude well qualified and ordered by a good Prince. For, Tyrants and Oppressours waste and destroy their people to their own ruin.

Sect. 13.

There is another distinction of Subjects, for they are

Ecclesiastici,
Sæculares.

By Ecclesiastical persons are understood, such as are indeed Subjects, yet their Office and Work is in matters of Religion; they act between God and Man, as Messengers and Mediators between them. They deliver God's mind to men, and offer mens Prayers and Gifts to God. They officiate in Divine Services, and that's their chiefest Work. They are singled out from amongst men to direct others unto eternal Life. These anciently were called Priests, and

and their place was honourable: yet there was an inparity amongst themselves. In the New Testament, these Ecclesiastical persons never called *ἱερείς*, Priests, but Ministers of the Gospel, or Presbyters: under which words are signified all Apostles, Prophets, Evangelists, Pastours and Teachers. So that the word *Priest* was only given to Christ or *Melchisedeck*; or the Levitical Pontiffs and Ministers, or some Heathenish Sacrificer. Yet in after-times, because the Sacrament of the Eucharist was a Commemoration of the Sacrifice of Christ, therefore in respect thereof the Table was called an Altar, and the Minister a Priest. At length, the Church of Rome turned the Sacrament into a Sacrifice, properly so called, and the Minister into a Priest. And this was the original of the Mass. This Ecclesiastical Function was instituted by God, and very honourable both in that respect, and also because their work is so excellent and necessary: for upon it under God, Religion and the benefits of Religion both private and publick, temporal and eternal do much depend. To these by divine Commands Maintenance is due from the people, and they have been much honoured in well constituted States with many privileges and immunities. But their own unworthiness, and the prophaneness of the people have much debased them. Yet, good Ministers with good people will be much

The Sacrament what

much esteemed to the World's end: and when the chief Shepherd shall appear, *They shall receive a crown of glory, which fadeth not away*, 1 Pet. 5. 4. These were accounted as a distinct and eminent Order of Subjects, as they were solemnly ordained. The rest of the subjects and the Sovereign, in respect of these, have the name of *Seculars*, and the Subjects are called *Lay-icks*, or *Lay-people*. This distinction is not so to be understood, as though the rest of the people had nothing to do with Religion. For they are bound to serve their God, and seek Eternal Life, which that they might attain, this spiritual Office was ordained from Heaven. And every sanctified person is a Priest to offer spiritual Sacrifice to God. Yet, this doth not make any such person a Minister and publick Officer of Christ, who must sequester himself from worldly business more than other men to tend his Calling, to which he is consecrated and solemnly devoted. With this distinction agrees that of the Clergy and Laity. Whence the name *Clerus*, the Clergy for the Ministry, should have its original, is uncertain. The people of *Israel* sanctified and consecrated unto God, were call'd *κληρὸς*, the *Lot* or *Inheritance* of God, and the Priests and Ministers were the eminent party of this Lot and people. For the people as distinct from the Pastours are called the *Clergy*, *Lot*, or *Heritage* of God, 1 Pet. 5. 3. in which it

can-

cannot be proper to the Ministers. It's true, that the first Officer made by the Church, after that Christ was glorified, was made by Lot, *For the Lot, that is (Cleros)* fell upon *Matthias*, Acts 1. 26. From whence some think the system of *Presbyters* and *Deacons*, were called the Clergy *κληρῶν*, and *κληρωτός*, signify one made and an Officer by Lot. As for Laity, we find often in the Old Testament, the people as distinct from the *Priests* and *Levites*, called *Λαός*, the Laity. The Apostle and seventy Disciples were distinguished from the rest of the Disciples and Believers. The Apostles, Prophets, Evangelists, Pastours and Teachers, were different orders from the rest of the Church. The twenty four Elders, which signify the *Priests* and *Levites* divided into orders by Lot, were distinct from the four Beasts, that is the main body of the Church: but these are days of confusion and disorder. Every one will be a Prophet and a Teacher, either presuming upon their gifts, yet scorning to engage themselves for the service of Christ in the poor and much-despised Ministry; or pretending blasphemously to the Spirit, which God never gave them. There

is another distinction of Subjects—in

$$\left\{ \begin{array}{l} \text{Nobiles,} \\ \text{Plebæos.} \end{array} \right.$$

Some are Noble, some of a lower Form and Rank, *Nobilis* is any Gentleman well de-

descended: Yet there is a difference *inter Nobilem & Generosum*: for though *Omnis Generosus sit Nobilis*, yet *Omnis nobilis non est Generosus*, because *Generosus* is not only one well born, but also one vertuous. In this respect, the word of a Gentleman is more than the word of a Nobleman, nay, than the word of a King: yet Nobility with us is taken more strictly, and is given to none under a Baron and Peer of the Kingdom, which hath right of suffrage in Parliament, as one of the House of Lords. The ancient Nobility of *England* is much diminished and decayed, and many of their Estates alienated; and the late Barons created by Patent, do much obscure them: and if these as Barons have their suffrage in the House of Lords by vertue of their Honour, and not their Vertue and Wisdom, I do not see how the Parliament should be *Wittena Gemott*; the Meeting of Wise Men. It were wisdom by some strict Law to limit *Fus Nobilitandi*, unto Vertue and Wisdom. For, Honours should be conferred rarely, and upon merit and worth; for they have great priviledges, which should not be made so common and prostituted to the Lust and Ambition of every one that can pay for them. The subjects of lower Rank, if Freeholders, have also their priviledges, and one principal, is a power to Elect the Knights of the County to represent in Parliaments. There be other accidental differences of less moment, which I pass by. Af-

After these distinctions, follows a division of the whole body of the Subjects into parts: and this is necessary, especially in respect of the Administration. For without an orderly division the subjects cannot be well governed. *Israel* was divided into Tribes; Tribes into Families; Families into Households; Households into Persons: Thus they were divided, and according to this order *Achan* was discovered, *Josh.* 7. 16, 17, 18. and they had their *φυλαρχὲς*, Heads of their Tribes; and their *Δημαρχὲς*, Heads of their Hundreds; as *Masius* upon the place observes. The *Romans* were also divided, in Tribus, & Tribus in Curias; and after these we read of Centurias and Decurias. We read that *Alfred* divided *England* into Counties; Counties into Hundreds; the Hundreds into Allotments. In some Counties we find Ridings and Wapentakes; yet *Sir Henry Spelman* under the word Hundreds, understands by Wapentake an Hundred, which in the *Welsh* is called *Cantreda*, where he adds, that the Counties were divided into Tithings, Rapes, and Laths: and Hundreds were divided into Tithings and Friberges. Upon this division made, it's said, that Justice was administered with that ease, exactness, and severity, that any man's goods might at any time be secure in any place: Yea, they might hang golden Bracelets in the High-way-side, and in open view, and none durst meddle with them.

them. To this head belongs the numbring the people by pole, enrowling their Names and Estates, without which Taxations cannot be justly imposed. The end of this distribution was to reduce the people into a certain order, according to which the equal parts were to co-ordinate one with another, as Counties with Counties, Hundreds with Hundreds, so that one had no Jurisdiction over another. The unequal were less or greater, and were subordinate the less to the greater, which had Jurisdiction over the less, and all the parts were subject to the whole. This was necessary for Judicial proceedings, that Actions in Law might proceed according to the subordination of Courts. For anciently with us Actions did commence in the Courts held by the Lords of the Mannors: if the cause were too high, or could not there be determined, or Justice had, Appeal was made to the Hundred Court, from thence to the County Court, from thence to the King's Court. In the word *Comitatus*, Sir Henry Spelman observes, this was the ancient Order, and thinks it an abuse and great disorder, that in our days, every petty Business and Cause is brought into the King's Court at *Westminster*. What the Division of this Nation was under the *Romans*, is not so well known, except we may conjecture of it by the ancient Division of the Provinces, and the Cathedral Seas and Di-

Diocesses, which much differ from these of latter times. *Cambden* finds some divisions of *England* in the time of the *Romans*, yet they are not clear and certain. Under the *Saxons* he finds several divisions, 1. Some according to certain proportions of Lands. 2. He makes the Heptarchy an argument, that it was divided into seven parts. At length he concludes his political Division with that of Countries, which he, as *Sir Henry Spelman*, ascribes to the King *Alfred*. But I have read, that it was thus divided before his time, and this is more probable, because the *Myrrour* informs us of Counties, and of Counties before there were any *Saxon* Kings:

Ut subditi {distinguuntur
 { sic distincti { dividuntur
 { educantur { nobiliori,
 modo { minus nobili.

Sect. 15.

After the division and distinction of Subjects, follows Education; and in the very Constitution of a State, some special care must be taken of this. There is some Education in a Family, but more perfect in a Community, but the best and most perfect is found in a well constituted and ordered State, which in laying the very Foundation, provides for the better Institution of the Subjects. The end hereof is the good of the people, and preparing for the preservation of the Community,

Education.

and the better and more easie administration and Government of the Commonwealth. There are few, to whom God in the Creation of their immortal Souls, and their mortal Bodies, hath not given some special power, disposition, and propension to something more than another. The work of Education is to improve those principles and powers, so as to bring them to a greater perfection. And for such as have the care of Education, it's an excellent piece of Wisdom, to discover what the *Genius* and Disposition even of Children is, and what they seem to be made for: and so by instruction and example, draw it to the height and utmost pitch it's capable of. How many excellent sparks are raked up in the ashes of Sloth and Negligence, or else utterly quenched, or at least made useless by a diversion of them to other things, to which God did not dispose. Great is the ignorance, imprudence and negligence of Parents, Masters, and others in this particular. This Education is either more noble and excellent, or less and inferiour: The more noble is that which improves mens knowledge either in Humane or Divine Learning. Humane Learning, both in Arts and Languages is useful for the State, and beneficial to the Church. By reason man excels a beast, and by learning he excels other men, and by divine Learning he is made like unto Angels,

Angels, and to God his Creator. For this end wise and good men, being of a publick spirit, and intending the general good, erect Schools, Colledges and Universities, and endow them with competent Maintenance, for to encourage such as shall take the care of them. Of the original and progress of these Societies, we may read in *Hoffinian*. Yet, much more we may find, then he hath written of them. Schools strictly taken as with us, are only for the entering of Children, and teaching the Rudiments of some Arts and some Languages. Colledges and Universities serve for higher improvement, neither are they limited to some particular Arts or Languages, but according to the Clause in their Charter, *Licentia generalis Studii*; They may enlarge to all Learning, all Languages. Yet, this general Study is usually confined to Philosophy, Law, Medicine, Theology. The principal design of them should be to breed Gentlemen for the State, and Ministers for the Church: But, there is not any due care taken to furnish the Nation with either of these. Some by their constant and diligent pains do much improve themselves. Such as are idle and negligent lose the opportunity, their time, and their very School-learning, mispend their days in vanity, and learn iniquity; and the sons of the Nobility, Gentry, and Rich-men, are much guilty in this Respect. It's pitty

that such noble Foundations should thro' our ignorance be so little beneficial: and it's a great sin, which God will punish, that they are so much abused. These places for Learning are great blessings of God, if we would make right use of them, we should find it to be so. But it is a sad thing to consider how both Instruction is neglected, and Discipline remitted. In this kind of Education the Jesuites are said to excel, and to single out the best capacities to direct them orderly in learning both Languages and Arts, till they have made them general Schollars, teaching them how to make use of their Learning: And their Discipline is strict, but it's pitty, that all this improvement should be made subservient to a wrong end. There is hardly any intelligent People or State, that doth not provide some, that should be skilful in Religion, and know how to officiate in Religious Services; and for these they provided a sufficient Maintenance. These were anciently Priests, and many of them great Schollars, and such as did instruct others, who should succeed them, and direct the people in the Worship of a Deity, upon whose favour they conceived, the publick Weal and Happiness did much depend. Yet many of the Heathen Priests had familiarity with the Devil, and were great Magicians.

There

There is an inferiour kind of Education, yet in reference,

and that *ad Rempublicam* { *Conservandam*
Defendendam
Ditandam: Sect. 16.

The first is for the preservation of the Common-wealth, without which the subjects cannot live, or the Common-wealth subsist: Husbandry, and Trade, and Manufactures tend to this end. And though this may seem to be an institution proper to Families, yet Families make a Common-wealth; and the Governours should take special care of ordering these aright, that so the State may have sufficient Commodities both of Growth and Manufacture, not only for it self, but for Exportation to bring in what the Country wants most. Under Husbandry, we may comprize not only the Tillage and manuring of the Ground, but also the ordering of Cattel. These were the first professions in the World: for *Adam* brought up his Children to this purpose. *Abel* was a Keeper of Cattel, and *Cain* a Tiller of the Ground, *Gen.* 4. 2. And *Noah* planted a Vineyard: for he began after the Flood to be an Husbandman, and planted a Vineyard, *Gen.* 9. 20. These are so generally necessary, that the wise man saith, *The profit of the earth is for all, the king himself is saved by the field*, *Eccles.* 5. 9. There are certain manual Trades without which a

people cannot well subsist, as Cloathing, and all such works as belong thereunto, which are many. Next, are such as are for building, as Masons and Carpenters; For a man must have House and Harbour; for this end also such, as *Tubal-Cain*, who work in Iron and Brass, are useful, and are subservient to many other professions. Amongst these some are for curious Workmanship, as *Bezaleel*; some professions are not much useful, and rather hurtful than beneficial for a State; as being subservient only to vanities, pride, and unlawful pleasures. Therefore the Magistrates should have a special care to order these, to cast out all idle people, all lazy beggars, and set the poor on work. None that can work should be idle, but take upon them some honest profession, and no professions or persons should be suffered, who bring detriment into the Commonwealth.

Sec. 17.

These professions of Husbandry, keeping of Cattel, Manufactures, and mechanick Trades, if well ordered, tend much unto the preservation of the State, for without them it cannot well subsist. Yet there is another institution, and the same noble and necessary to the defence: for there may be raised Rebellions, and Seditious within, and there may be Invasions from without. From both these there is great danger to the Commonwealth; therefore as every thing is armed with some

some power to defend it self, so a sufficient strength is required in every political Body for to continue the safety thereof. And this is a Sword, not only of Justice but of War. This Sword of War especially cannot be well managed without a sufficient skill, which cannot be had without instruction, exercise and experience. Hence the Art Military is not only useful but necessary in every well ordered State. One thing especially requisite in this profession, is to have good Commanders, men of valour and prudence, able to lead and instruct others. God himself would have *Israel* his own people a Warlike Nation. Therefore, after that he had given them possession of the Land of *Canaan*, he left some certain Nations unsubdued, only that the Generations of the Children of *Israel*, might know how to teach them War, at least, such as knew nothing before of it, *Judg.* 3. 1, 2. Those who lived in the times of *Joshua* were well experienced, but the Generation following had no experience, neither could they learn any without some Enemies constantly to exercise them. Therefore, though Wars be heavy Judgements, yet it's the will of God, there should be warlike dissensions, and that for many ends: 1. To punish the wickedness of the World. 2. To let men know, how sweet a blessing Peace is. 3. To be a Nursery and School of breeding gallant men, especially when he by them intends

to do some great work. In consideration of these things, its good that any State in time of peace, not only chuse Captains, train Souldiers, provide Arms: but also send some into forraign Wars to learn experience. Of this part of Institution, as also of that of Learning, you may read at large in *Contzen. Polit. lib. 4. & lib. 10.* Of the Laws of War *Grotius* may be consulted. That some Wars are lawful, especially such as are necessary and undertaken for our defence, there's no doubt: and not only defensive but offensive arms may be justified out of the Holy Scriptures, and from the Example of *Abraham, Jeshua*, many of the Judges, and *David*, who were excellent Commanders, under whom many gallant men served: when God intended to ruin *Judah*, he threatens to take away the mighty Man, *Esay 3. 2.* It's a sad presage, when the Gentry and Nobility of a Nation become vicious and effeminate: and this was one cause of that heavy Judgment of God which many of them suffered in the late Wars: Wherein *England* gained great skill and experience both by Sea and Land, yet with the woful expence of much of her own blood. And how happy had we been, if so much valour had been manifested in the ruine of the Enemies of Christ and his Gospel. Whosoever desires to understand more of this Subject, as belonging to Politicks, let him read Military Books.

If this be so necessary for the defence and safety of an earthly State ; how much more is the spiritual *Militia* necessary for the defence of our Souls?

There is another profession, and the same useful for many things, but in particular, for to enrich the State ; its that of Merchandise and Traffick. These Merchants are of several sorts: some deal in petty Commodities, and sell by parcels; some are for whole sale; but the chiefest are such as are great Adventurers, and Trade by Sea, and Traffick with all Nations. These are the great Monyed Men of the World, who have great Princes and whole States their Debtors. These furnish us with Rarities and Varieties of the Earth, and enrich us with the Commodities of East and West, South and North, and the remotest parts of the World. These make new discoveries, and might furnish us with many rare inventions, Books and Arts, but most intend rather private gain than publick good. It were to be wished, that our luxurious and wicked expences were turned another and better way, to maintain Schollars in those Countries, where they maintain Factours, for the improvement of Learning and the propagation of Religion. The King of *Spain*, and the Jesuites are the only Politicians in this kind : though it be a Question, whether this profession be not derogatory to Nobility. Yet King *Solomon* and *Jehosaphat*

sapbat were Adventurers in Corporations, and great Cities, these Tradesmen and Merchants have their several Companies and their Orders, and are called by some Systemes, which cannot be well regulated, without some Laws of the Sovereign power

CHAP.

C H A P. XVI.

Of Subjects in an Ecclesiastical Politie.

OF subjection in general, and subjecti- Sect. 1.
 on to a Civil Power, I have spoken ;
 and because there is an Ecclesiastical pow-
 er and subjection due unto it, therefore
 order requires, that I conclude the first
 part of Politicks, with the explication of
 the nature of spiritual subjection and sub-
 jects. This spiritual relation and duty a-
 rising from it, presupposeth subjection.
 1. Absolute to God as Creatour and Pre-
 server. 2. To him as Redeemer. 3. To
 Christ as Head and Universal Administra-
 tour of the Church: and to him as having
 instituted an Ecclesiastical Discipline, and
 promising to every particular Church, u-
 sing the Keys aright in their judical pro-
 ceedings, to be with them so, as to make
 their judgment effectual: and that what
 they bind on earth shall be bound in Hea-
 ven, and what they loose on Earth shall
 be loosed in Heaven. So that this sub-
 jection is due to the power of Christ in e-
 very particular visible Church. For, when
 a multitude of Christians associate, and ac-
 cording to the Rules of Christ erect an
 independent Judicatory, its the duty of
 every one in that Association to submit
 unto

unto it, if he will be a Member of the same and enjoy the benefit of that external Government : and by the very institution of Christ, though there be no solemn Confederation, they are bound so to do. This subjection is different from that, which is due from the people to their proper Pastours. The power external of the Keys, as you heard, is, 1. In the whole Church particular, according to the extent, as the primary subject of the same. 2. In the Representative exercising this power. 3. In the Officers. The Representative is either general, to which every particular person must submit, or particular, to which the particular Members of that Association and Division are bound to submit, and none else. Submission is due unto the Officers according to their intensive and extensive power, and no further. The Rule and Measure of this subjection, are the special or general precepts of Christ and his Apostles, and if a Church, or its Representatives, or Officers transgress these precepts, they cannot justly challenge any submission as due unto them. In this respect its necessary, there should be Canons to regulate both the fundamental, and also the derivative power, and the same agreeable to the Gospel. The want of these and the observation thereof may be an occasion, if not a cause of separation, whereof the Church it self may be guilty, and will prove so to be. This subjection ari-

seth

leth from this, that they are Members of such a Church: for every single Member is subject to the whole. Here is no exemption of any, though they should be Bishops, Metropolitans, Patriarchs. The Patriarchs of *Rome* may challenge a transcendent power to be above all Laws, and all Judgments: he will command all; judge all, will be commanded, will be judged by none. But all this is but an unjust and insolent Usurpation. For Christs Institution in those words, *Tell the Church*, excludes such powers, dethrones such persons. He that will sit in the Church of God, as God, must needs be the Son of Perdition. From this subjection ariseth an Obligation to acknowledge the just power of the Church to be faithful unto it, and by all means to seek the good thereof, to obey the Laws, and submit unto the just Judgment of the same.

This being the brief Explication of Sect. 2. subjection, whence a Christian is denominated a subject of a particular Church under a form of Government; the next thing to be done is, to enquire who are subjects, how they may be distinguished: and how they may be divided, and how educated.

Subditi enim Ecclesie { distinguuntur
distincti--- { dividuntur
educantur.

1. They are distinguished both from others, and also among themselves; from others they are differenced; for some are within, some without, some are Brethren, some are not: This is implied by the Apostle, when he saith, *If any man that is called a Brother; and what have I to do to judge them that are without? Do not ye judge them that are within?* 1 Cor. 5. 11, 12. Therefore there are such as are not Brethren, such as are without and cannot be judged by the Church; these are no Subjects. There are Brethren, such as are within, and may be judged; these are Subjects. By this distinction, *Mahumetans, Pagans, unbelieving Jews* are excluded: For none can be a Member of a Church Christian, but a Christian, who by Baptism is solemnly admitted to be a Subject of God the Father, Son, and Holy Ghost, and a Member of the Universal Church: And whosoever shall be such, may be a Member, and so a Subject of a particular visible Church. Yet one may be a Member of one particular Church, and not of another; for as in civil politicks none can be a subject of two several States civil at one time; so in Ecclesiastical Government, no person can be a subject of two particular Independent Churches at the same time. Therefore, when the Apostle

postle saith, *Do not ye judge them within?* is to be understood of the Members of that particular Church of *Corinth*. For they could not judge them of the Church of *Rome*, of *Ephesus*, of *Jerusalem* or any other but their own: yet here is to be observed, that manifest Apostates, though they have been Christians, cannot be received into a Christian Church; nor such as have been Members of an Heretical, Superstitious, Idolatrous Church, till they have renounced their Heresie, Superstition, Idolatry. Neither must any subject himself to any such Church, nor continue in it, if formerly he hath been a Member; for all sinful Communion is unlawful. Yet, wherein there is no such thing, and God in his Providence casts him upon another Church, he may subject and also continue. As in a civil State there are sojourners and strangers, and also plenary subjects, so there may be in a particular Church. For all such as are Members and Subjects of one Church, and yet either sojourn or inhabit in another for less or longer time, they are not Subjects till they be incorporate, yet they are Subjects of the Catholick Church in any part of the World. And upon Letters Testimonial, or any other sufficient Information, they may be admitted to Communion in Word, Prayer, and Sacraments; for these are priviledges of the Universal Church, and common to all Christians of Age, as Christians. But these doth not
render

render them Members of that particular Church, for Discipline without Submission and Admission. Only, if they do offend against the just Canons of that Church where they are Strangers: The Rule of *delictum in alieno territorio*, &c. holds good, and they may be censured, where the Offence is committed, and where the Scandal is committed. Of plenary subjects, some are such by Birth, some by Election. Those by Birth are like the native *Jew*; those by Election are like the *Proselyte*. Yet this is to be observed, that as one who was an Heathen, might be made both a *Proselyte* and a Member of that Church of *Israel* at the same time, and the same Act, so one that was of no Church, as being no Christian, may be made a Christian, and a Member of a particular Church visible at once. Therefore we must distinguish of such as are incorporated into a Church; for as *Ephes. 2. 11, 12.* There were such who were *Gentiles*, and so none of God's people, and aliens from the Commonwealth of *Israel*, and strangers to the Covenants of Promise, who afterwards, *ver. 19.* were no more Strangers and Forraigners, but fellow Citizens with the Saints, and of the Houshold of God, and so of no people made a people, and more, of no Christians made Christians. There be others who formerly were Christians, and that which is more, Subjects of some one particular Church, which are made Subjects of another.

ther. This is so to be understood, as that to be a Christian, or a Member of a particular Church is not meerly from Birth, but from birth of Christian Parents, who are Members of the Church Universal, and sometimes, nay often of a particular Church under a form of Government. Neither doth this Birth without Divine Ordination incorporate us into the one or other. For to be a Christian is not from Nature, but from God's gracious Ordination; which requires that even those who are born in the Bosom of the Church, and baptized too, should, when they come to Age be instructed in the Covenant, and also own their Baptism by profession of their Faith, and promise for to keep the Covenant. The neglect of this is the cause why many Congregations have such unworthy Members: Yet it's not necessary by any Divine Precept that all should be excluded, whom we do not certainly know to be real Saints. And here I will take occasion to debate of two things much controverted in these times: 1. Of the qualification of a Member of the Church. 2. Of separation from a Church.

What makes a Church-Member.

For the qualification of the Church-member it's agreed, that visible Saints, though not real may be Members of a Church. But the Question is, what a visible Saint is? By visible, the Congregational party, in particular Mr. Hooker of New England understands

Seet. 3.

Who a Visible Saint.

derstands, one that shall appear to such, as should admit him to be a Saint. This Saintship is, as he informs us, in knowledge and practise; and he grants a latitude in both. This visibility is that, whereby they appear to us to be Saints in respect of their knowledge and practise. And thus they appear and may be represented to us, either immediately by examination of their knowledge, and knowledge of their practise, either from our own sight, or their expressions mediately by the testimony of others who are judged by us to be credible. By this, the grossly ignorant, and such as trade and constantly live in sin, and are obstinate and refuse to be reformed, are excluded. To these must be added, such as are grossly erroneous, and blasphemers, and such as deny plain and saving truth with divers others. For all these may have sufficient knowledge, and for their lives may be blameless, and for their outward carriage eminently just, honest, holy. But that which makes the Question difficult is, the difference between such as never were born in the Church, nor baptized, nor admitted for Christians and those who have been either born in the Church, baptized, lived, and continued Christians by profession, or such as upon their profession and promise, when they were at age were baptized and admitted. Shall their Birth give them right to Baptism, and their Baptism right to

to Membership, and the gross ignorance of them born in the Church and baptized make them no Members, or deprive them of their native and baptismal Right? Or shall it not? But suppose they have some knowledge of Christ, and the principles of Christianity, and yet be Idolaters, Covetous, Drunkards, Railers, Incestuous Persons: for one that is called a Brother, and a real Member of a particular Church may be such, as is evident, from 1 Cor. 5. 11, 12. Besides, such a Brother may deny to hear the Church, as is implied, *Mat. 18. 17.* Yet these may own their Baptism, profess their Faith in Christ, and utterly renounce all other Religions. The Question therefore is, Whether these and such like are not Members of a Church Christian? If they be not, how can the Church censure, judge them, and cast them out? Yet such owning their Baptism, and the Faith whereinto they were baptized may be censured, and if they will not hear the Church, may be cast out. These are neither *Pagans*, nor *Mahumetans*, nor unbelieving *Jews*, they will abhor them, God will judge them as Christians, as being baptized, as having heard the Gospel, as owning Christ, and professing their hope to be saved by him; though he will say unto them, *Depart from me ye workers of iniquity.* These, if cast forth, do not cease to be Brethren, till they renounce Christianity.

These associate with Christians, frequent Christian Assemblies for Divine Worship, and usually are under the Ministry, and if there be any External Government, by their very Baptism owned are Subjects to the Power of the Keys. Many as bad as these and some worse were in the Church of the *Jews*, and yet not *Loammi*, but reckoned amongst the people of God, till God took away both his Word and Spirit from them. The *Nicolaitans* and the Disciples of *Jezabel* were as bad as these, yet they were Members of the Churches where they lived: how else could they be cast out, as Christ commands. The *Valentinians*, and many of the *Gnosticks* were worse than these, and yet many of them were in and of some Christian Church visible. These must be either without or within, except we can find a third place for them, as they of the Church of *Rome* have invented Purgatory for such as were not good enough for Heaven, or bad enough for Hell. They, as I conceive, do far better, who inclose them within the pale of the visible Church, and seek to reform them, then they who place them in the outward Court, and leave them amongst the *Gentiles*. It were but reasonable, that they who are so pure and strict in their new invented way, would declare in proper terms their *minimum quod sic*, and make the same evident out of the Scriptures. But this they have not

not done ; they seem to us, whatsoever they are amongst themselves, to be *Scepticks*.

As there is a Controversie about Qualification, so there is about Separation. *Se. Sect. 4.* Separation presupposeth Union and Communion Ecclesiastical : For as in Nature there can be no Separation but of things some ways joyned and united, so it is in Government both Civil and Ecclesiastical. For there cannot in proper sense be any Separation from the Church, but of such as have been in a Church, Members of a Christian Community, or Subjects of an Ecclesiastical visible Polity. This Communion is either with the whole as the party governing, or with the Members amongst themselves as fellow-subjects, if a Discipline be settled, and it is in Doctrine and Profession, or in Worship, or in Discipline, or in some of these, or all. But the Communion with the Church in general, and with God the Father, and Jesus Christ the Son is of an higher kind. Communion presupposeth this Separation is either passive, or active and voluntary. Passive is, when any is separated either justly or unjustly from a Christian Society, and this may be negative or positive. Negative is a non-admission after they had been formerly admitted : and this may be done upon sufficient reason, or without any just and sufficient cause. Positive is a plain ejection of such as are in the Church. Separation

E c 3 active,

active, is that which is voluntary : and as the former, so this may be just or unjust, and may admit of several degrees, according as the Union and Communion is. For some separation may be total, some partial, and of partial, some may be greater, some less. The reason why I take occasion to speak of this subject is, because these are times of separation: and it were good to know, what may be justly done, what not, either in separating others by non-admission, or ejection, or in separating our selves. And this is a certain rule, that all Union and Communion instituted, commanded, or approved of God, ought to be observed: and whosoever shall violate this must needs be guilty, there can be no just or sufficient cause to do so. The Church of *England* was formerly a true Protestant and Reformed Church, and had the same publick Doctrine, the same Form of publick Worship, the same publick Discipline. Yet, because the first Reformation was judged imperfect, and many Abuses and Corruptions entered in afterward, which did alter it for the worst, therefore a further and a new Reformation was thought to be at least expedient, if not necessary. That the first Reformation in respect of Discipline was imperfect is evident, first from the book of Common-Prayer in the Rubrick of the Communion, which plainly implies, that the ancient Discipline

was

was not, and it seems could not, at that time be restored, and till the restoring of it the Commination must be used. Yet it was never restored, neither did any seem to seek it. Again, the imperfection thereof appears by that Book made by the Commissioners in the latter end of the Reign of *Edward the Sixth*, which is called *Reformatio legum Ecclesiasticarum*. Yet, that though imperfect, was never established, nor by the Bishops put in practice. The latter Abuses, Innovations, Superstitions brought in by the Bishops, and as some say, at the King's command, and that without Law and Authority of Parliament, were confessed by many, and exclaimed against generally: and divers charged the Bishops as guilty of Usurpation: And how could they be less, when they imposed the reading of the Book of Sports and Recreations on the Lord's Day, and punished divers Ministers refusing to read it; and, which was not tolerable, the Rule of their Proceedings in the Exercise of their Power were Canons never allowed by Parliament, besides the business of Altars, and bowing towards them, which had no colour of Law. Many began to set up Images in their Churches, and innovate in Doctrine. In consideration of all these things, a Reformation, if it might be had, was thought necessary, not only

for the perfection of the first, but also for to cut off the late introduced Corruptions, and prevent the like for the future. An opportunity seemed to be put into the hands of a Parliament with an Assembly of Divines for Advice to do this. A Reformation they promise, begin to act in the way, and the expectation was great. But, instead of perfecting the former Reformation, they cause a new Confession of Faith, and new Catechisms to be made, instead of the former Litany and Set-form of Worship, a new Directory is composed and allowed; for Discipline the Episcopal Power is abolished, and the former Government dissolved, the *Presbyterian* way, and that very near to that of *Scotland*, is agreed upon. So, that whatsoever was formerly determined by Law, is null and void. In the end, all that was done in Doctrine, Worship, and Discipline, in a time of War, without, and against the mind of the King, did vanish, was rejected by many, and received by few, and such an Indulgence under pretence of favouring tender Consciences, was granted, that every one seemed to be left at liberty. Hence sprang so many Separations and Divisions, that *England*, since she became Christian, never saw the like. There were Divisions in Doctrine so many as could not be numbred, and men were in

in their judgments not only different, but contrary. And the former Errours pretended to be great, were few in number, far less noxious in quality to these latter, which were very many, and some of them blasphemous and abominable. All the old damned Heresies seemed to be revived and raked out of Hell, and the more vain and blasphemous the Opinion was, it was by some the more admired. For Worship instead of some Ceremonies or Superstitions, at the worst all kind of Abominations brake out of the bottomless Pit. Some professed high Attainments and Dispensations to the contempt of Sabbaths, Sacraments, and Scripture it self. Some turned Ranters, as though the old abominable *Gnosticks* had been conjured up from Hell. Some become *Seekers*, till they lost all Religion. Some were *Quakers*, and most rude, uncivil, inhumane Wretches, deadly Enemies of the Ministry, and most violent Opposers of the Truth; and some no ways ill affected, but otherwise well disposed people seemed to be suddenly bewitched, as the *Galatians* were, and could give no Reason nor Scripture for the Separation and Alterations. To be *Anabaptists* seemed to be no Offence in comparison of the former. For Discipline, some adhered to
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the Prelatical Form, and refused Communion with the *Presbyterian* Party, who, with the *Scottish Kirk*, thought their way to be the pattern in the Mount. The Congregational was of another mind, and stood at as far a distance from them on one hand, as the rigid Prelatical Party did on another. Yet in all this God preserved an Orthodox Party, who retained the substance of the Protestant Religion with moderation, and these are they whom God will bless and make victorious in the end. For, all these came to pass and were ordered by Divine Providence, to discover the Frailty of all, the Wickedness of some, the Hypocrisie of others, to manifest the Approved, to confirm the Sincere, and let men know what a blessing Order and Government in Church and State must needs be. Here are many Separations, some passive, but many active. As for the *Quakers*, *Seekers*, *Above-Ordinance-Men*, *Ranters*, their Separation under pretence of greater Purity, is abominable: The *Antipedobaptists* and the *Catabaptists* cannot justify themselves: and in the end it will appear. The Dissenting Brethren, and Congregational Party, after they began to gather Churches, with the rigid Prelatists and Presbyterians, cannot be excused. They, who actually con-

concurrent to procure a Liberty and Indulgence, especially the Zealots in that work, who had a design to promote their own way, have much to answer for, and their account will be heavy. And surely they are no ways innocent, who took away the former Laws and Government before they had a better, and in their own power, effectually to establish them. And, whosoever departed from the former legal Doctrine, Worship, and Discipline in any thing, wherein it was agreeable to the Word of God, must needs be worthy of blame; as also those who took an ill course to introduce that which was better. They, who will not Communicate with others, or refuse to admit unto Communion with themselves in all parts of Worship, such as are Orthodox and not changeable with Scandal, are Offenders, and cannot be free from Schism in some degree. The Usurpations of the Bishops, and the Innovations made by them and their Party, together with their Negligence and Remisness in the more material parts of Discipline, gave no little cause of Divisions and Separations. To be hasty, high, rigid in Reformation, is a cause of many and great Mischiefs. This Church of *England*, upon the first Reformation within a few Years brought forth to God, even under that imper-

fect

fect Reformation many precious Saints and glorious Martyrs. And after the Persecution, how did she multiply, and yield as many able and godly Ministers and gracious Servants of God, as any Church in the World of that compass. And all those good Children were begotten, nursed, and encreased, whilst under one supreme independent national Judicatory. And though the first Reformation was imperfect, and the Church in some things corrupted, and many Members of the same without sufficient cause persecuted by some of the ungodly and unworthy Bishops: yet, for any of the Subjects and Members to separate from her without some weighty cause, must needs be a sin. A Reformation might have been made without pulling down the whole Frame, and opening a way to the ensuing Divisions. Imperfection is no sufficient cause to separate from that Church, wherein any person receives his Christian being, or continuance, or growth of that being; neither is every kind of Corruption. No Church but hath some defects, but hath some corruptions, and no man should depart from any Christian Society, further than that Society is departed from God. To depart and divide upon conceits of greater purity and perfection, or out of a spirit
of

of Innovation, or in any thing which is approved of God, and not contrary to his Word, cannot be lawful. Let every one therefore reflect upon the former Divisions, and consider the present distractions, and examine himself how far he either is, or hath been guilty, and confess his sin to God, desiring pardon, and for time to come endeavour peace, and supply the defects of understanding, which in some things is the cause of difference in judgment with the greater measure of Charity. For, though we had less knowledge then we have, and yet more charity, the breaches of the Church might easily be made up. Thus far I have digressed, and enlarged upon this Subject, out of a desire to persuade every Member of a particular Church to submit unto the lawful Power thereof, and continue united in the same Body, till God shall give a Command and Commission to come out or separate.

The end of this Discourse concerning Sect. 5. the distinction of the subjects of the same Church, is, to shew the nature and measure of subjection, and the manner how we become subjects, and what the Duties of Subjects are. Something might be added concerning the manner of Admission, which Mr. *Parker*, and so many of the Congregational Way, do

do think was not good and allowable. His, and their Exceptions I will not here mention, but will with them confess, 1. That as they be born in such a Parish, or forced by the Magistrate, they could not be Members of the Church. 2. That Baptism, without instruction of such as are capable, is not sufficient. 3. That it's fit that every one when they are instructed, so as to understand the substance of the Covenant, should publickly in their own persons profess their Faith, and make their Vow. 4. That when this is done, some care should be taken of their lives, that it may be known, whether they walk according to their Profession and their Promise. Yet this may be said, that by good Ministers something to this purpose was done, though by others it was neglected. And the Church even from the first Reformation required and intended this in the strict command of Catechising, and in Confirmation. For though Confirmation was no Sacrament, nor proper to a Diocesan Bishop, by Divine Institution, yet the end was good, and the effect might have been happy, if it had been duly observed. For, it would have so qualified the Members of the Church, that we should not have had so many ignorant, so many scandalous in every Parochial Precinct. But
it

it was either neglected or abused. But because to be a right qualified Member of a visible Church is not sufficient, let every one remember, that it's his duty to be a Citizen and Subject of Heaven, and to live accordingly. For, as the Apostle saith, *Phil. 3. 20. Our conversation is in heaven*; so we turn it, though there may be more in the Original. For, *πολίτευμα*, may be turned, *Jus municipum*, *aut civium*, *aut municipatus*; as *Hierome*, *Tertullian*, and *Sidonius* understands it, with *Beza à Lapide*, *Musculus*, *Heinsius*. The sence is, that we are Burgeses, Denisons, and Subjects of Heaven, and incorporated into an Heavenly Politie: therefore let our life be holy and heavenly, and let us converse most and chiefly with God, and remember that we are but Pilgrims and Strangers upon Earth, and by the observation of the Laws of this heavenly Kingdom, we tend to our abiding Mansions above. And if our lives and carriage be such, though men may persecute us, cast us out, separate from us, refuse to admit us, yet we know our God approves us, we have fellowship with him, and with Jesus Christ his Son, whilst we walk in the Light, as he is Light, and in the end we shall be happy, and our Joy will be full.

As the Subjects must be divided and subordinated in a Civil State, so must they be in a Church. The people of *Israel* were three times numbred and divided: the first numbring was by tens, hundreds, and thousands, that *Moses* might make Officers and Judges for the civil Government, *Exod. 18.* The second which was most exact and purely Ecclesiastical, as you may read in the four first Chapters of the Book of *Numbers*, which was so entitled by the Septuagint, because of this Numeration and Division of the People. They were also numbred the third time, *Numb. 26.* The end of the second numbring was, that they might, according to an excellent order, encamp about the Tabernacle, and also march in order before and after it. The first division upon the numeration was of the Body of *Israel* into two parts: 1. That of the *Levites*, which was subdivided into four parts: The second of the other twelve Tribes in one body first separated from the *Levites*, and this was subdivided into four Squadrons, and in every Squadron three Tribes, which according to their Ensigns quartered at a distance, *East, West, North, South* of the Tabernacle, the *Levites* being within them. The Description of the Universal Church, *Revel. 4.* as learned Men have
ob-

observed, alludes to this order. And both these Scriptures teach us, that without numeration, division, and subordination, there can be no order in the Worship of God, or the Government of the Church. And the first thing done upon this division, according to God's command, was the removing of the Lepers and Unclean out of the Camp, which was the more orderly and easily done upon the former division, and doth teach what must be in the constitution of a Church, and exercise of Discipline.

Of the division either of particular Sect. 7.
Churches of one City, and the territories thereunto belonging, or of several Churches in one Province, according to the Cities of the several Provinces; we read nothing at all in the Scripture. Neither can any such thing be evidently and certainly proved from the seven Angels of the seven Churches of *Asia* the less; now called *Natolia*. As for the divisions made afterwards in the *Roman* Empire, I shall say something anon. The Church of *England*, if we may believe Mr. *Brerewood*, was anciently divided into three Provinces, according to the three Provincial Cities, *York*, *London*, *Cacruske* in *Monmouth-shire*; though after that we find *Valentia* and *Flavia Cæsariensis* added to make five: of which divisions we find something in *Cambden*.

Yet afterwards we find another division of the whole Island into two Provinces, *York* and *Canterbury*. These were divided into several Diocesses, the Diocesses into *Archdeaconries*, the *Archdeaconries* into so many *Rural Deanries*, the *Rural Deanries* into *Parishes*. This was an orderly way and did facilitate Government much. The Church of *Scotland* was divided into Provinces and Shires, and upon the Reformation, as some tell us, these Shires into Classieal Presbyteries: but afterwards reduced in our times under a certain number of Bishops. Yet Arch-Bishop *Spoteswood* inform us out of their publick Records, that from the first Reformation they had Superintendents. In the Reformation intended in *England*, when Episcopacy was taken out of the way, and the Presbytery introduced, they divided the Church according to the Counties, the Counties into Classes, the Classes into Congregations. The Subordination was of Congregations to a Classis, of the Classis to a Provincial Synod of a County; of these Provincial Synods to a general Assembly.

sect. 8.

Of the division of the Church within the *Roman Empire*, we may read in several Histories both Civil and Ecclesiastical, and in the Acts and Canons of several Councils. And from this division Hierarchy, which is Ancient derives its

its Original. To understand this you must know, that Hierarchy presupposeth Episcopacy: For before there were Bishops there could be no Subordination of Inferiour or Superiour Bishops. What these Bishops were, and how they did first arise, and what their power was, the Scripture saith nothing, much less gives any Divine precept special for the Institution of them, or the manner of their Consecration. That of *Timothy*, *Titus*, and the Angels of the Churches, will not evince any such thing, as hath been said before. That there were Bishops anciently and betimes in the Christian Church within the *Roman* Empire cannot be doubted, if humane story be of any force. After these Bishops (whom the general rule of decency and order, together with the light of reason might manifest to be convenient) were multiplied according to the number of the Cities, wherein Christian Churches were planted, set up in these Cities, and these Cities Subordinated unto others in the same Province, these Bishops began to be Subordinate to the Arch-Bishops. For, as a Bishop is one above a multitude of Presbyters, so, an Arch-Bishop is one above a multitude of Bishops. The Bishop of the chief City and Metropolis in a Province was called a Metropolitan. The Bishop of the chief City of a Diocess

of the *Roman* Empire was called a *Primate*, or *Patriarch*. By *Diocess*, you must not understand an *Episcopal* *Diocess*, but a far greater compass. For the *Roman* Empire was first divided into *Diocesses*, the principal whereof were three : one in *Asia*, another in *Africk*, as now we understand it, another in *Europe*. These greater circuits were divided into *Provinces*, as we read the Empire of *Persia* was parted into an hundred twenty seven *Provinces* in the Reign of *Abasuerus*. And some tell us, that the *Provinces* of the *Roman* Empire were at first an 120. The chief City of the *Asian* *Diocess* was *Antioch*, of the *Egyptian* and *African*, *Alexandria*, of the *European*, *Rome*. According to these three Cities, where the great Officers of the Empire kept their Residence, were set up three *Patriarchs* ; one of *Rome*, one of *Alexandria*, one of *Antioch*, and all the City Bishops and Provincial *Metropolitans* were under these, if they were within that division, as there were several *Provinces* out of these *Diocesses* ; as that of *Carthage* in *Africk*, of *York* in *Britain*, *Iustiana Prima* in *Dacia*. To the three *Patriarchates* in after-time were added other two ; as that of *Constantinople*, or *New Rome*, and that of *Jerusalem*. The first division and subordination of the Church was made about the time of the second Century, and followed

Division
Subordina-
tion of that
Church
when.

ed the division of the Empire that then was, and as then divided. Yet it did not reach the whole Empire, though there might be Christians in all the parts thereof, and many more far beyond the bounds thereof. That there was such an Hierarchical Order before the great Council of *Nice*, is evident from divers Canons of the same, and continued after, as appears by the Council of *Chalcedon*, and *Constantinople*, and others. What the limits and bounds of the first three Patriarchates were, we may read in some Authors. But you must know, that this division of the Empire was several times altered by divers of the Emperours, even by *Constantine* himself, so that the Ecclesiastical Division and Model could not be always exactly conformable unto it. Of this model *Spalatensis* saith but little, Mr. *Brerewood* a little more, Dr. *Reynolds* is very brief, Dr. *Usher* is a little more large in his *Lydian* or *Proconsular Asia*. Yet far more might be discovered of these particulars, both out of Humane and also Ecclesiastical Histories.

Sect. 9.

This little may give us some light in the matter of the Ecclesiastical Hierarchy. Observe therefore first, That supposing Bishops some ways in a large sence to be *jure divino* above Presbyters; yet as *Spalatensis* affirmeth, they by divine Law are equal amongst themselves. For,

if they succeed the Apostles, though some grant *primatum ordinis*, yet there is no Primacy of Jurisdiction of one above another. For Peter's Supremacy, asserted by the *Romans*, can have no sufficient ground in Scripture. *Ignatius* in his *Palma Christiana*, doth maintain the title of Arch-bishop, and goes about, though very weakly, to prove even out of the Scriptures, that Primates are *jure divina*, yet he seems to understand by Primacy, that only of order; but he is hardly worth the taking notice of. 2. That yet before the *Nicene* Council, there was an Hierarchy of the Church in some parts of the *Roman* Empire: for there were Bishops, Metropolitans, Patriarchs. 3. This Hierarchy was a conforming of the Church in division and subordination to the Civil State of the Empire. For, as the State was divided: first into greater parts, called Diocesses; and the Diocesses into Provinces, and the Provinces into Cities, and their Territories; so the Church was divided. As the Cities & their Officers were subordinate to the Provincial Officer, who did reside in the Metropolis of the Province, and the Officers provincial were under the power of the chief Officer, who kept his residence in the chief City of the Diocess; so the City Bishops were subject to the Metropolitan of the Province, and the Metropolitans

tans of the Provinces to the Patriarch, residing in his Patriarchal City. 4. Tho' this was a prudential Order, and good for Administration, yet it was but humane in the State, and also humane in the Church. For in neither was it of divine Institution. For, if it had been such, they could not justly have altered it, as they did afterwards in several places. 5. That therefore the Episcopal Hierarchy, though ancient and of long continuance, yet is not of divine Authority; neither do we find any divine Ordination for it. 6. Therefore, the Argument from Episcopacy to Hierarchy, is gross. For a Bishop was before a Metropolitan or Patriarch: and though some kind of Bishop should be of divine Institution, yet an Hierarchical Bishop may be, and is an humane invention. 7. It was not thought good to erect one supreme independent Judicatory Ecclesiastical in the whole *Roman* Empire. For they made three Patriarchs independent one upon another; and if they had all been put in one, yet many parts of that Empire, and of the Church within it had been without those bounds. 8. Whether the Patriarchs at first had Jurisdiction over the Metropolitans, and the Metropolitans over the Bishops, and they over the Presbyters, is very uncertain. And, if they had no Jurisdiction ac-

Subordination of Bishops prudential.

Episcopal Hierarchy not of Divine Authority.

Bishops over Presbyters uncertain.

cording to this subordination, there could
 lie no Appeal from the Bishop to the Me-
 tropolitan, nor from the Metropolitan
 to the Patriarch. It's likely that the pow-
 er was in Synods, and men might Appeal
 from an inferiour to a provincial Synod,
 and from the Provincial to the Patri-
 archal, which was the highest Court,
 except the Christian Emperours call a
 General Council. And, that was said
 to be a General Council, which extend-
 ed beyond the bounds of one Patriar-
 chate, especially if it included all. 9. Af-
 ter these Patriarchates began to be such
 eminent places, many ambitiously sought
 them, and there was great contention a-
 mongst themselves, who should be great-
 est and have the precedency. Neither
 could General Councils by their deter-
 minations prevent them for time to come.
 10. The Patriarch of *Rome*, though but
 at the first one of the three, and after-
 wards of the five, and according to some,
 of the seven, if you take in *Justiniana Pri-
 ma* with *Carthage*, did challenge the pre-
 cedency and preeminency of them all.
 And though the Council of *Chalcedon*
 gave the *Constantinopolitan* See equal pri-
 viledges with his, yet he would not stand
 to their determination, but afterward
 challenged greater power then was due,
 began to receive Appeals from *Transma-
 rine* parts beyond the bounds of his Dio-
 ceses,

cess, and to colour his Usurpation, al-
 ledged a Canon of the *Nicene Council*,
 which was not found in the *Greek Original*. He will be President in all General Councils; no Canons must be valid without his Approbation. His Ambition aspires higher, when the title of Universal Bishop had been denied the Patriarch of *Constantinople* by *Gregory the Great*, *Boniface* his Successour assumes it. And by degrees, they who follow him, usurpe the Power, and at length the civil Supremacy is arrogated, and the *Roman Pontiffe* must dispose of Kingdoms and Empires, and will depose and advance whom he pleaseth. And is not he the Man of Sin, and the Son of Perdition, who opposeth and exalteth himself above all that is called God, or that is worshipped, so that he as God sitteth in the temple of God, shewing himself that he is God? 2 Thes. 2. 3, 4. From all which words, he that goes under the name of *M. Camillas*, defines Antichrist in this manner: *Antichristus est Pontifex maximus, Elatione, vicariatu, assimulatione Christo oppositus*, lib. 1. c. 3. *de Antichristo*. As the *Roman State* subdued and subjected unto themselves the former Empires and Monarchies of the World, and this in themselves, after that became Vassals and Servants unto one Absolute Imperial Monarch, and by him *Rome-Hea-*
then

The Pope
 the Man of
 Sin, &c.

*Prelacy the
occasion of
Hierarchy,
and that of
Papacy.*

then raigned over the Kings of the Earth, Revel. 17. 18. So in tract of time, Rome-Christian usurped Jurisdiction Ecclesiastical over all Churches, and her Patriarch swallowing up all the power of the former Patriarchs, became Universal Monarch and Visible Head of the Universal Church. The occasions, true causes of this Usurpation, and the means whereby he by degrees aspired to this transcendent power are well enough known. Some will tell us, that Episcopacy, or rather Prelacy was the occasion at least of the Hierarchy, and the Hierarchy of the Papacy. For, if there had not been a Bishop invested with power in himself, and a provincial Jurisdiction given to one Metropolitan, and many Metropolitans subjected to one Patriarch, the Bishop of Rome could have had no advantage nor colour for his Usurpation. This makes many prudent men jealous of Episcopacy, especially as many understand a Bishop to be one invested with the power of Ordination and Jurisdiction, and that by divine Law without the Presbytery. Division and Subordination, which are essential to Government, could be no proper cause of the Papal Supremacy. But, the trusting of power Ecclesiastical in one man, extending and enlarging the bounds of one particular Church and in-

independent Judicatory too far, and subordinating the People and Presbyters to the Monarchical Jurisdiction of one Bishop, the several Bishops to one Metropolitan, the several Metropolitans to one Patriarch, and several Patriarchs to one *Roman* Pontiffe, did much promote, and effectually conduce to the advancement of one man to the Universal Vicarage. At the first institution of the Hierarchy, neither the people nor Presbytery were excluded; the Patriarchates were of a reasonable extent, the Patriarchs independent one upon another, and the end intended was Unity, and the prevention of Schism; and the subordination seemed to be made out of mature deliberation. Yet humane Wisdom, though never so profound, if it swerve from the Rules of divine Institution, proves Folly in the end. Let not all this discourage any Ecclesiastical Community, or dissuade them from division, co-ordination, subordination, if so be they keep the power in themselves as in the primary Subject, and reserve it to the whole, and not communicate it to a part, and keep themselves within a reasonable compass. From all this we may conclude, that a Secession from *Rome*, and the rejection of his Ecclesiastical Supremacy, if so be we retain
the

England
under no
foreign Pri-
mate.

the true Doctrine and pure Worship of God, is no Schism, especially in *England*. For 1. there were many Provinces out of the great Patriarchate, and no ways subject to any of them, but they had their own proper Primates and Superindendents. Amonst these *England* was one, and by the Canon of *Nice* had her own Jurisdiction, and was under no Patriarch, but a Primate of her own. 2. The Bishop of *Rome* was at first confined to that City, and after he was made Patriarch, he had but the ten *Suburbicarian* Provinces, and the rest of the Provinces of *Italy* had *Milan* for their Metropolis. 3. That after the Conversion of the *Saxons*, that that Bishop should exercise any power in *England*, was a meer Usurpation, And to cast off an usurped power, and the same Tyrannical, could be no Schism at all. There is a Book printed at *Oxford*, in the year 1641, wherein we find several parcels of several Authors bound up in one: The first Author is Dr. *Andrews*, the second *Bucer*, the third Dr. *Reynolds*, the fourth Bishop *Usher*, the fifth Mr. *Brerewood*, the sixth Mr. *Dury*, the seventh Mr. *Francis Mason*. The design of the whole is to maintain Episcopacy, and in part to prove the Hierarchy. 1. Some of the formentioned

ed Authors do grant with *Hierome*, that the Church was first governed by the common advice of Presbyters, though this position in strict sence is not true, as hath been formerly proved. 2. Some grant, that at the first Institution of Bishops, a Bishop was nothing else but a President or Moderator in Presbyterial Meetings. 3. That afterwards these were constant and standing, with a power of Suderintendency, not only over the people, but the Presbyters within a City and the Territory thereof. 4. That when a Church was extended to a Province, in the Metropolis thereof, they placed a chief Bishop, called a *Metropolitan*, who had the precedency of all the other City Bishops. 5. That these Bishops could do no common act, binding the whole circuit without the Presbytery. 6. That there were such Bishops and Metropolitans in the Apostles times; thus Dr. *Usher* doth affirm, and he quotes *Ignatius* to this purpose. 7. That there was an imparity both in the State and Church of *Israel* under the Old Testament, and so likewise of the Ministers in the Church of the New Testament. Thus Dr. *Andrews*. 8. That most Reformed Churches have Bishops, or Superintendents, and something answerable to Bishops. The design of all this seems to be this, to prove that Episcopacy

No Divine
Testimony
for Bishops.

Bishops of
good use,
not of ne-
cessity.

mony and Hierarchy are Apostolical and Universal. Yet none of these produce any clear divine Testimony for this, much less any divine Precept to make this Regiment to be of perpetual and universal Obligation. Neither doth any of them all tell us distinctly what the power of Bishops, of Metropolitans, of Patriarchs was: nor whether they exercised their power as Officers, or Representatives, or by an immediate *Jus divinum* derived from Christ unto them. All that can be made clear is, that some kind of Bishops may be lawful, and have been ancient, and of good use, tho' of no necessity. As for the Hierarchy, it's meerly Humane, and being at first intended for Unity, was in the end the cause of the most bloody Schisms that ever were in the Church; and an occasion of intolerable Ambition, Emulation and Contention.

SECT. 10.

Subjects Ecclesiastical being distinguished and divided must be educated; and so I come to Education and Institution. Tho' spiritual Education be far more useful and necessary, yet we find most men more careful to improve their Children for this World than the World to come. The reason is, they seek these earthly things more than God's Kingdom, love the World more than God, and prefer their Bodies before their Souls: we should provide

provide for both, yet for the one far more than the other. For, what will it avail us to be temporally rich, and spiritually poor: to gain the World and lose our Souls? This therefore is a special work of the Church to educate her Children, and nurse them up for Heaven: and the Magistrate Christian is bound to further her in this work. *Adam*, tho' Lord of the whole Earth, and one who might give his Children far greater Estates in Land than any man ever could, yet brought them up not in idleness, but honest labour. But his principal care was to teach them how to serve their God, and when they were at age, to bring their Offerings before him. God saith of *Abraham*, *I know him, that he will command his children and his household after him, and they shall keep the way of the Lord to do justice and judgment: that the Lord may bring upon Abraham, that which he hath spoken of him*, Gen. 18. 19. *Joshua* saith, *As for me and mine house we will serve the Lord*, Josh. 24. 15. It was the command of God, that *Israel* should diligently teach their Childrin the words of God, and talk of them when they sit in their houses, and when they went abroad, and at their lying down and rising up, Deut. 6. 7. How often doth *Solomon* exhort to this duty, and earnestly perswade all, especially Children,

A special
Work of the
Levite.

Children, to hearken unto, understand, remember, and constantly follow the Instruction of their Parents and their Teachers? This was the care of *Moses*, of *Joshua*, the Judges and good Kings of *Judah*. For this end the Priests, *Levites*, and *Scribes* were ordained of God, and the Schools of the Prophets were erected for this work. This was one prime work of the *Levite*, to teach *Jacob* God's Judgments, and *Israel* his Laws, *Deut.* 33. 10. This same commandment of spiritual Education is repeated in the New Testament. Parents must bring up their Children in the nurture and admonition of the Lord. This was the great work of Apostles, Prophets, Evangelists, Pastours and Teachers. For, they must not only pray, but teach, and labour, not only for conversion, but the edification of the Churches children. Every Christian should help and further one another in this work. As Parents in their Families should have knowledge, and be able to instruct their Children, so all Schools should have a care to instruct the Schollars, not only in Languages and humane Learning, but also in the saving Doctrine of Salvation. This was the reason, why by the Canons of the Church they were bound to Catechise the Children committed to their charge. The
Uni-

Universities and Colledges were bound to this likewise, and were Seminaries, not only for Lawyers, Philosophers and Physitians, but especially for Divines, who, though they improved their knowledge in Arts and Languages, yet it was in subordination to their diviner and more excellent Profession. To this Head belongs correction, good example, and prayer. For the principal Teacher is the Spirit, who must write God's truth in the heart, and make all means of Education effectual. The publick and principal Officers, trusted by Christ with this work, are the Ministers of the Gospel: whose work is not meerly and one-ly to preach and expound, but to catechise. In these works we are either very negligent or imprudent. For, we should plant and water, and pray to God for the encrease: we should lay the foundation and build thereon; yet some will do neither, some will preposterously water before they plant, and build before they lay the foundation, and so do Christ little service, and the Church little good. Some take upon them the Charge, and are insufficient. Men may teach by word or writing: By word first, the principles should be methodically according to the ancient Creeds and Confessions be taught: this is the foundation.

Without this Sermons, Expositions, reading of Scriptures, and Books of Piety will not be so profitable, and edifying as they might be. People should be taught to believe the saving and necessary truths of the Gospel, obey his commands, pray for all blessings and mercies, and especially for the Spirit, that their faith may be effectual, their obedience sincere, and also to receive the Sacrament aright, and make right use of their Baptism. Expositions should be plain and clear, that the people may not only hear, but understand, and be moved by the truth understood. Sermons should be so ordered, as that the Texts proposed, and the Doctrines and divine Axiomes thereof may be cleared, understood according to the drift and scope of the Spirit. And the application should be pertinent, to inform the understanding with the truth, and remove errors, and when that is done, to work effectually upon the heart, and make it sensible of sin past, and pertinent by the precepts, the comminations and the promises, to comfort and raise up the soul dejected, and this especially by the promises of the Gospel, and upon motives to exhort to duty, and upon reasons restrain from sin. This Ordinance and means of divine institution is much abused many ways, by
in-

instilling of erroneous and novel opinions, with which the people are much taken, if delivered with good language by impertinencies, digressions, quaint terms and formalities. But of these things I have spoken in my *Divine Politics*. This institution is so necessary, that without it the Church cannot subsist, nor the Government thereof be effectual.

Thus you have heard, that the sub- Sect. II.
ject, or as some call it, the object of Politics is a Common-wealth, the subject whereof is a Community, and the parts the Sovereign and the Subject. According to this method, though mine ability be not much, I have spoken of a Community both Civil and Ecclesiastical, and of a Common-wealth, 1. Civil, then 2. Ecclesiastical. In both the first part is the Sovereign, where I enquire, 1. Into his power civil, and then into the spiritual power of the Keys in the Church. 2. I proceed to declare how the Civil Sovereign acquires, or loseth his power, and how the Church derives her power, or is deprived of it. 3. The next thing is, the several ways of disposing the power civil in a certain subject, whence arise the several forms of Government civil, and the disposal of the power of the Keys; the primary sub-

ject whereof is not the Pope, or Prince, or Prelate, or Presbyter, or People, as distinct from Presbyters, but the whole particular Church, which hath it in the manner of a free State. Here something is said of the extent of the Church. After all this comes in *pars subdita*, both Civil and Ecclesiastical, where I speak of the nature of subjection, and of the distinction, division and education of the Subjects, both of the State and Church. All this is done with some special reference both to the State and Church of *England*, desiring Peace and Reformation. If any require a reason, why I do not handle Ecclesiastical Government and Civil distinctly by themselves without this mixture, the reasons are especially two: 1. That it might be known, that the general Rules of Government are the same both in Church and State: for both have the same common principles, which by the light of Reason, Observation and Experience, may be easily known, but especially by the Scriptures, from which an intelligent Reader may easily collect them. Therefore, it's in vain to write of Church-Government, without the knowledge of the Rules of Government in general, and the same orderly digested. The ignorance of these is the cause why so many write at random

dom of Discipline, and neither satisfie others, nor bring the Controversies concerning the same unto an issue. 2. By this joynt handling of them, the difference between Church and State, Civil and Ecclesiastical Government; the power of the Sword and Keys is, more clearly, as being laid together, apparent: For this is the nature of Dissentanies, *Quod juxta posita clarius elucescunt*. This is against *Erastus*, and such as cannot distinguish between the power of ordering Religion for the external part, which belongs unto the civil Sovereigns of all States, and the power of the Keys, which is proper to the Church, as a Church. Yet, if these two Reasons will not satisfy, and some Reader may desire and wish they had been handled distinctly, he may read them as distinct and several even in this Book. I my self had some debate within my self, what way I should handle them, yet upon these reasons I resolved to do as I have done.

A Common-wealth once constituted is Sect. 12.
not immortal, but is subject to corruptions, conversion and subversion. The Authors of Politicks following the Philosopher, make these accidents the last part of their Political Systems: and some speak of them more briefly, some at large: and declare the causes, and prescribe

scribe the Remedies, both for prevention and recovery. Corruption is from the bad constitution, or male-administration; and both Sovereign and Subject may be, and many times are guilty. The conversion and woful changes, and also the subversion and ruine is from God as the supream Governour and just Judge of Mankind, who punisheth not only single and private Persons and Families, but whole Nations and Common-wealths. Of these things the Scripture, humane Stories, and our own experience do fully inform us. But of them, if it may be useful, I shall speak more particularly and fully in the second Book: the subject whereof in general, is, Administration; in particular, Laws and Canons; Officers of the State and of the Church, and Jurisdiction both Civil and Ecclesiastical. The reasons why I desire to publish this first, and severally from the latter part, are partly, because, though the first draught of that latter part was finished above half a Year ago, yet I intend to enlarge upon the particulars: partly because I desire to know, what entertainment this first part may meet withal: for if it be good, I shall be the more encouraged to go forward: but chiefly, because the most material Heads and Controversies are handled in this, which

is far more difficult. The latter will be more easie, yet profitable and useful, especially if some of greater ability would undertake it. The God of Truth and Peace give us Humility, Patience, Charity and the Knowledge of his Truth; that holding the Truth in Love, we may grow up unto him in all things, which is the Head, even Christ, to whom be Honour, Glory and Thanks for ever. *Amen.*

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